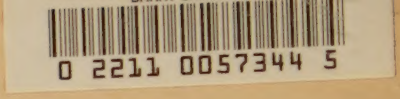
The Lords Baltimore and the Maryland Palatinate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THE LORDS BALTIMORE

AND THE

MARYLAND PALATINATE

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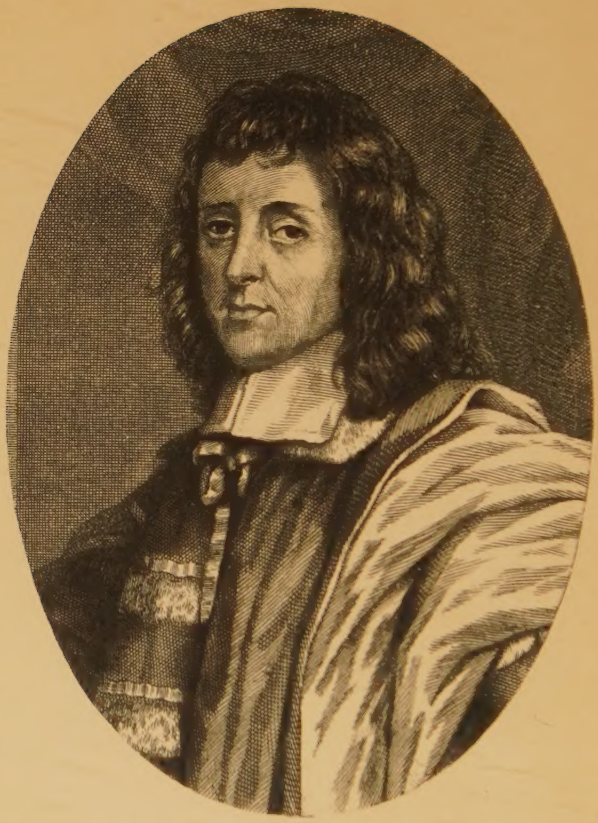

CECILIUS CALVERT

SECOND BARON OF BALTIMORE

AND FIRST LORD PROPRIETARY OF MARYLAND

From an Engraving by Bloodelingh

THE LORDS BALTIMORE

AND THE

MARYLAND PALATINATE

SIX LECTURES ON

MARYLAND COLONIAL HISTORY

DELIVERED BEFORE

THE JOHNS HOPKINS UNIVERSITY

IN THE YEAR 1902

BY

CLAYTON COLMAN HALL, LL. B., A. M.

SECOND EDITION

BALTIMORE
NUNN & COMPANY
1904

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TO

MY WIFE

WITHOUT WHOSE ENCOURAGEMENT
THESE LECTURES WOULD NOT HAVE BEEN UNDERTAKEN

THIS BOOK IS DEDICATED

PREFACE.

The following lectures upon Maryland Colonial History were delivered before the Johns Hopkins University, in McCoy Hall, during the months of February and March, 1902, the course having been provided for by the liberality of the Maryland Society of the Colonial Dames of America. The particular subject was selected, and the lecturer appointed, by the Faculty of the University. The lectures were open to the public.

They are six in number, and the time for the delivery of each lecture was limited to one hour. The time,—six hours in all,—did not admit of the presentation of a complete history of the colonial period of Maryland. All that has been attempted is to present a brief sketch of the lives and characters of the several Barons of Baltimore, Lords Proprietary of Maryland, together with a review of the salient facts connected with the history of the Province of Maryland, and the relations of the Proprietaries thereto.

Maryland was not the only one of the English colonies in America which had a proprietary government; but its peculiar constitution as a Palatinate Province, presents many special features of interest to the student of political institutions; and the establishment in the Province of Religious Toleration, in an age of intolerance, gives special lustre to the story. While the limitations of time were such as to require

brevity and condensation in treatment, it is hoped that in these lectures no material facts, necessary for a true and intelligible presentation of the subject, have escaped mention.

In offering them, through the press, to a larger audience than that which was from week to week assembled in McCoy Hall, it has been thought better to adhere to the original form in which they were prepared for oral delivery, rather than to recast them in a form that would be appropriate, if the object were to present a complete historical narrative of the period under consideration.

Interest in the colonial history of Maryland, and facilities for its study have both been greatly extended within the last quarter of a century.

Thirty years ago the principal books which had been published relating specially to this subject were Bozman's *History of Maryland*, in two volumes, and McMahon's *Historical View of the Government of Maryland*, of which but one volume was ever published.

Of these, the former covers only the period from the settlement of the Province until the year 1660. This history was written by John Leeds Bozman of Talbot County, and the first volume, comprising the introduction, was published in 1811; but the entire work was not printed until 1837. Its compilation evinces learning and judgment, and derived as the material was, from manuscript records scattered through various public offices, ill arranged and almost wholly without index, it gives evidence of a most laborious and indefatigable industry.

The second book mentioned, Volume I., of an *His-*

torical View of the Government of Maryland, by John V. L. McMahon, appeared in 1831. This book is well worthy of the distinguished name and fame of its author.

It was not until 1879 that Scharf's *History of Maryland* (in three volumes) was published. It contains a great amount of valuable material, which has not, however, been always judiciously selected or scientifically arranged. The index to this work is a curiosity of confusion. The value of this history would be greatly enhanced by the addition of an index rationally constructed.

But it is within still more recent years that the material for the study of Maryland's colonial history has been made more easily available, and interest in the subject has been awakened, partly through the influence of the various patriotic societies, and partly by reason of the greater attention which it has received at the hands of students.

A great advance was made in 1882, when an Act was passed by the Legislature of Maryland making the Maryland Historical Society the depository and custodian of all the State Archives belonging to the period prior to the acknowledgment by Great Britain of the independence of the United States; and at the same time providing for the arrangement and cataloguing of the papers by the Society, for the publication of such as should be found of historical interest, and for keeping the records in such manner that they should be accessible to citizens of the State. Twenty-one volumes of the Archives have now been printed, all of them under the editorial supervision of Dr. William Hand Browne, with the exception of

Volume XVIII, which contains the muster rolls of the Maryland troops in the revolutionary army. Of the portion thus far published, the volumes to which reference has specially been made in the preparation of these lectures, are

Council Proceedings, 1636-1697, six volumes.

Assembly Proceedings, 1637[8]-1697, five volumes.

Correspondence of Governor Sharpe, three volumes.

In 1888, the Maryland Historical Society acquired by purchase from a descendant of the last Lord Baltimore, a large and valuable collection of documents and correspondence relating to and illustrative of the history of the Calvert family, the settlement of Maryland, and the relations between the Lords Baltimore and the Province. Subsequently additional papers of similar character were acquired from another source.

Selected papers from these collections have been printed by the Society in three separate publications, designated as *Calvert Papers*, No. 1, No. 2, and No. 3, respectively; but many of them are still in manuscript only.

In the Archives belonging to the State,—notwithstanding the loss and waste to which they have, from time to time, been exposed,—and the collections of Calvert papers belonging to the Maryland Historical Society, are probably contained records relating to the colonial period of Maryland's history, more comprehensive than the existing records of any other of the original thirteen colonies. The great seal of the Lord Proprietary mentioned on page 141, which is preserved in the Land Office at Annapolis, was cut in silver in 1648, by order of Cecilius, Lord Balti-

more, to replace one lost or stolen during the Ingle rebellion. It is believed to be the oldest relic of the kind in this country.

With a portion of these early records already published, and all of them placed within the reach of students, great encouragement has been given to the study of Maryland's colonial history within the last twenty years, and many facts previously unknown to students of history, have been brought to light.

Of comparatively recent publications, mention should be made of two, quite small, but admirable, books by Dr. William Hand Browne, Professor of English Literature in the Johns Hopkins University. They are, *Maryland, the History of a Palatinate.* published in 1884, in the American Commonwealth series; and *George and Cecilius Calvert, Barons Baltimore,* published in 1890, in the Makers of America series.

In 1901, a very excellent book appeared,—*Maryland as a Proprietary Province,*—by Dr. N. D. Mereness of Columbia University. This book is very accurate and is written in an impartial and philosophical spirit. It contains a very good bibliography.

In Fiske's *Old Virginia and her Neighbors,* there are several interesting chapters devoted to Maryland; but this distinguished historian, singularly enough, fell into several errors as to matters of fact.

Among the occasional publications of the Maryland Historical Society, and of the Johns Hopkins University (Studies in Historical and Political Science), there have been a number of monographs upon special subjects connected with the colonial history of Maryland, which have been found valuable in the prepara-

tion of these lectures. Those entitled to special mention are the following numbers of the Fund Publications of the Historical Society:—

No. 8. *The Lords Baltimore*, by Rev. John G. Morris, D. D.

No. 15. *A Character of the Province of Maryland*, by George Alsop. (Reprint.)

No. 18. *The Foundation of Maryland, and the Origin of the Act concerning Religion*, by General Bradley T. Johnson.

No. 20. *Sir George Calvert, Baron of Baltimore*, by L. W. Wilhelm, Ph. D.

No. 30. *The Dismemberment of Maryland*, by G. W. Archer, M. D.

No. 36. *Early Maryland Poetry*, edited by Bernard C. Steiner, Ph. D.

Among the publications of the Johns Hopkins University (Studies in Historical and Political Science), special mention should be made of *Old Maryland Manors*, by John Hemsley Johnson, A. B., and of the *Life and Administration of Sir Robert Eden*, by Bernard C. Steiner, Ph. D.

It has not seemed worth while to enumerate here the various other sources which have been availed of, unpublished manuscripts, and casual references in various works, such as Walpole's *Letters*, Carlyle's *History of Frederick the Great*, etc.; but it has been sought to give, wherever occasion demanded, proper reference to authority, by means of footnotes printed with the text.

The material for the personal sketches of the several Lords Baltimore, has been gathered from widely

scattered sources, including correspondence and other unpublished manuscripts among the Calvert papers in the possession of the Maryland Historical Society.

Permission to make use of those manuscripts in the preparation of these lectures, and to reproduce in this publication the maps illustrative of the boundary dispute between the Lords Baltimore and the Penns, which were printed in *Calvert Papers,* No. 2, was courteously given by that Society.

PREFACE TO THE SECOND EDITION.

The occasion for issuing a second edition of these lectures at so short an interval after their original publication, is a result of the great conflagration which on February 7th and 8th, 1904, destroyed the greater portion of the business section of Baltimore. In that fire the entire first edition, remaining unsold in the possession of the publisher, was lost, and therefore within little over a year after its first presentation to the public, the book became practically out of print.

In this edition no changes have been made in the form of the lectures, with the exception of the correction of a few errors, chiefly in the spelling of proper names, and the printing of dates. Some foot-notes have been added where deemed necessary either for explanation or amplification of the text.

C. C. H.

Ruxton, Maryland.
September, 1904.

CONTENTS.

PAGE.

LECTURE I.

GEORGE CALVERT, FIRST LORD BALTIMORE, 1580-1632.

Secretary to the Privy Council; Member of Parliament; One of the principal Secretaries of State; Member of the Privy Council; Advocate of the Spanish match; Converted to the Roman Catholic Faith; Proprietary of Avalon; Projector of the Maryland Colony 1

LECTURE II.

CECILIUS, SECOND LORD BALTIMORE AND FIRST PROPRIETARY OF MARYLAND, 1606-1675.

Charter of Maryland; Instructions to Colonists; Opposition of Claiborne; Conflict with Jesuits; Ingle's Rebellion; Attitude in respect to Religion; Intervention of Commissioners of Parliament; Fendall's treachery; Appointment of son and heir apparent as Governor 28

LECTURE III.

RELIGIOUS TOLERATION IN MARYLAND.

Toleration the policy of Cecilius from the beginning; Draft of laws sent out by the Proprietary; Action of the Assembly thereon; The Act concerning Religion, 1649; Various opinions as to its origin; Influence of Cecilius, Lord Baltimore; Sentiment in New England and Virginia in respect to religious differences; The

Maryland Act compared with the views expressed by Sir Thomas More in *Utopia;* Explanation of the motives of Cecilius by his son; Another Act concerning Religion, 1654; Subsequent legislation on this subject 66

LECTURE IV.

CHARLES, THIRD LORD BALTIMORE AND SECOND PROPRIETARY OF MARYLAND, 1630-1714/5 (FEBRUARY 20).

Administers government in person; Indian outbreak; Insurrection under Davis and Pate; Boundary dispute with William Penn; Return to England; So-called Protestant Revolution; Deprived of Government; Wrongfully attainted of treason in Ireland.

ROYAL GOVERNORS.

Administration of Province under Governors appointed by the Crown, 1692-1715; Establishment of the Church of England 99

LECTURE V.

BENEDICT LEONARD, FOURTH LORD BALTIMORE AND THIRD PROPRIETARY OF MARYLAND, 1678-1715 (APRIL 5).

Conformed to the Church of England; Held title but six weeks.

CHARLES, FIFTH LORD BALTIMORE AND FOURTH PROPRIETARY OF MARYLAND, 1699-1751.

Restoration of the Proprietary Government in Maryland; Friend of Frederick, Prince of Wales; Travels on the Continent; Visit to Frederick (the Great), Crown Prince of Prussia; Visit to Maryland; Conflicts with Assembly; Remarkable agreement with the Penns.

FREDERICK, SIXTH LORD BALTIMORE AND FIFTH PROPRIETARY OF MARYLAND, 1732-1771.

Travels abroad; Literary essays; Trial upon a criminal charge; Final settlement of the boundary dispute; Mason and Dixon's Line; Devise of Province to Henry Harford; Portents of American Revolution..... 138

LECTURE VI.

MANNERS AND CUSTOMS, SOCIAL AND ECONOMIC CONDITIONS IN MARYLAND DURING THE COLONIAL PERIOD.

Early conditions those of a pioneer settlement; Effect of tobacco culture; Various accounts of the character of the Province; Currency and taxation; Labor conditions—Indented servants, convicts, and African slaves; German settlements in Western Maryland; Effect upon agriculture; Frontier rangers; Border strife; Development of social and political life; Education; Annapolis a place of luxury and gaiety; Cradle of the theatre in America..... 174

THE LORDS BALTIMORE

AND THE

MARYLAND PALATINATE

LECTURE I.

George Calvert, First Lord Baltimore.

THE special subject proposed for the present course of lectures upon Maryland colonial history in the invitation for their delivery, was "The Lords Baltimore," with wide latitude of choice left to the lecturer as to the manner in which the subject should be treated,—whether to attempt to present some biographical account of the several Barons of Baltimore, or to consider chiefly the history of their actions as Lords Proprietary of Maryland.

What is known or is now ascertainable in relation to what may be called the personal history of the six persons who successively bore the title of Baron of Baltimore differs very widely both in amount and interest in the case of the several individuals. The lives of some of them were much more conspicuous

and eventful than those of others; and while the facts that can now be gathered in respect to some are reasonably full, in respect to others the records are very meagre. Some are known, and their characters are to be judged, chiefly through their relations with the Maryland Province, and the record which has been preserved of their public acts in its founding, upbuilding and government; in communications to the provincial Governors, their messages to the houses of Assembly, and their general attitude towards legislation in the Province, and the policy to be pursued in its administration. Such being the case, any account of the Lords Baltimore would necessarily involve frequent reference to the course of events in the Province.

Recognizing then the fact that the subject for these lectures was selected on account of the intimate association of the Lords Proprietary with the colonial history of Maryland, and that the illustration of the latter was the object sought, quite as much as an account of the lives of the Barons of Baltimore, it has seemed that the purpose would be better expressed by adopting the title "The Lords Baltimore and the Maryland Palatinate" as the designation of the subject.

It may be well to note that the title Baron of Baltimore in the Kingdom of Ireland was created in 1625, and conferred by James I. on George Calvert, first Baron. This was seven years before the grant of the Maryland charter, and some years

before the arrival hither of the first colonists. The title became extinct in 1771, upon the death of Frederick, sixth Baron, five years before the declaration of the independence of the United States. It was in existence therefore for a little less than one hundred and fifty years, and its duration was nearly coincident with that of the colonial period of this commonwealth.

Our subject leads us first to the career of George Calvert, first Baron, the projector, though not the founder, of the Maryland Province.

George Calvert, the first Lord Baltimore, was born at or near Kiplin in Yorkshire, England, about 1580. The exact date of his birth has not been ascertained. His father was Leonard Calvert, a country gentleman, who lived in the valley of the Swale in Yorkshire, and whose wife, the mother of George Calvert, was Alicia Crossland, a lady of gentle birth, and heiress, belonging to a family of the same neighborhood.

The origin of the Calvert family has never been successfully traced. There were Calverts in Yorkshire as early as the fourteenth century, and it has been generally assumed that the family was of Flemish origin. In the exemplification of arms issued in 1622 by Richard St. George, Norroy King of Arms, the original of which is now preserved in the collection of the Maryland Historical Society, it is stated on the authority of Verstegan, antiquary and philologist, that "Sir George is descended of a

noble and ancient family of that surname in the earldom of Flanders, where they have lived long in great honor." The fact of the Flemish origin is probably true, but the date of the migration of Calvert's ancestors to England is unknown, and the means of tracing the genealogy to the Flemish family apparently did not exist; for instead of confirming to Sir George the coat of arms belonging to that family, as would probably have been the case if the identity had been satisfactorily established, the bearing of another coat, of different device, but composed of the same tinctures, was approved, with the crest pertaining to the Flemish family added.[1]

At the early age of fourteen George Calvert entered Trinity College, Oxford, where he received his bachelor's degree in 1597.

At the University, Calvert acquired a thorough knowledge of the Latin tongue, and it is probable that there also he obtained a familiarity with the French, Italian and Spanish languages, which proved especially valuable to him in the political and diplomatic offices which he was, in later life,

[1] The coat of arms borne by Sir George Calvert is described in the exemplification referred to as "paley of six pieces or and sable, a bend counterchanged," with this crest:—"the upper part of two half lances or, with bandrolls thereto appending, the one or, the other sable, standing in a ducal crown gules," which is declared to be "the ancient crest descended unto him from his ancestors." The arms of the Flemish family are described as "or, three martlets sable." *Md. Hist. Soc., Calvert Papers*, No. 1, p. 38.

called to fill. After his graduation, following the fashion which prevailed then, as now, for the completion of a well-rounded education, he travelled upon the continent of Europe, and it is likely that he then made the acquaintance of Sir Robert Cecil, who had been sent by Queen Elizabeth on a special embassy to the Court of Henry IV., and who afterwards became the stanch friend of Calvert and the founder of his political fortunes.

Shortly after the accession of King James, Calvert obtained a seat in Parliament as representative of a Cornish borough, and not long after he married Anne, daughter of John Mynne, a gentleman of Hertfordshire.

In 1605, upon the occasion of the King's visit to Oxford, the master's degree was conferred upon Calvert, among many distinguished candidates, including the Duke of Lennox, the Earls of Oxford and Northumberland, and Sir Robert Cecil.

About this time Calvert became private secretary to Cecil, and was appointed by the King clerk of the Crown and Assizes in County Clare, Ireland. Thus began his connection with that kingdom, to the peerage of which he was afterward to be elevated. The death of his powerful friend and patron Cecil occurred in 1612, but he had already acquired the special confidence and favor of the King and his political fortunes continued steadily to advance. In 1613 he was appointed clerk to the Privy Council, and also a member of an important com-

mission sent to Ireland to enquire into the discontents which had arisen there as a consequence of King James's policy in endeavoring to bring the people into conformity with the religion, and obedience to the law, of England.

Calvert was appointed on two such commissions to investigate the affairs of Ireland, and though his associates included men much more distinguished than himself, it is not improbable that his facile pen, —for he held the pen of a ready writer,—was useful in preparing their reports. It is evident that at this time he was not in sympathy with the Roman Catholic Church, of which in later life he became a member; for the reports speak with emphasis of the powerful influence of the Jesuits in fomenting the existing discontents, and stimulating resistance on the part of the Irish. This fact is of interest in connection with the antagonisms, which we shall hereafter consider, which arose between his son Cecilius and the Jesuit missionaries in Maryland.

In 1610, on the occasion of the accession of Louis XIII., Calvert was sent by James upon a special mission to France, and from this time on he seems to have enjoyed the distinguished favor of the King. He was the King's colaborator in his theological dispute with the Dutch Arminian Vorstius, —but whether as assisting in the composition of the royal theologian's thesis, or merely as translator of it into the Latin tongue is uncertain. It is

more than probable that he was in part, at least, author.

In 1617, upon the occasion of the celebration of the marriage of the brother of the Duke of Buckingham, the order of knighthood was conferred upon Calvert; and the death of the wise and faithful counsellor, Cecil, having rendered it necessary to the Crown to gain, in his place, the services of a minister possessing similar sterling and painstaking qualities, Calvert, who had been trained by Cecil, was, in 1619, upon the dismissal of Sir Thomas Lake upon the charge that State secrets leaked out through the loquacity of the latter's wife, advanced to the responsible office of principal Secretary of State.

This office, although it made him a member of the Privy Council, differed widely from the modern office of Prime Minister, to which it has sometimes been supposed to be equivalent. There were at that time two principal Secretaries, Calvert's colleague being Sir Robert Naunton; and the office had been held by men of great political power and influence, including Sir Robert Cecil himself. But the functions of the office seem to have been rather those of business administrator and recorder than of leadership in the proceedings or policy of the Council. The influence of the Secretary depended more upon his personal qualities than upon his office.

Sir Robert Naunton, Calvert's associate in office, was a studious man of quiet tastes, without political

ambition. Calvert was industrious and business-like, an accomplished linguist, and possessed great familiarity with the domestic and international politics of Europe. The value of his services, and therefore his influence in the proceedings of the Council, were consequently great.

Buckingham, the King's favorite, had sought the office for Carleton, at that time Ambassador to the Netherlands, but failing to secure it, he made a virtue of necessity and himself communicated the fact of his appointment to Calvert. The latter accepted the office with great reluctance, modestly describing himself as unqualified to fill a position that had been held by his late distinguished patron, Cecil. He no doubt also had a perfectly practical perception of the difficulties to be confronted at the Court of James I. by every one concerned in affairs of State. Calvert had been useful to the King, and the latter depended upon him; but James was fickle and capricious, and any tenure of office that depended upon his favor was precarious.

The condition of public affairs, too, was anything but reassuring. In England there was a constantly increasing feeling of unrest, and the continent of Europe was filled with turmoil and warfare from Bohemia to the Rhenish provinces. In fact, it was the first year of that prolonged strife, partly dynastic and partly religious, that has passed down into history with the direfully significant designation of The Thirty Years War.

Upon the occasion of his appointment, James questioned Calvert closely concerning his wife, and warned him of the example of his predecessor Lake, whose wife and daughter he compared respectively to Eve and the serpent. Calvert bore affectionate testimony to the distinguished virtues of Lady Calvert, and relieved the King's mind of anxiety as to any mischief arising through indiscretion in speech on her part.

At this time Spain and France were rivals for the friendship of England; and those in England who favored alliance with the former, strongly advocated, as a means of closely uniting the interests of the two countries, the marriage of the Prince Charles to the Infanta Maria. This match was favored by the King, and, though the proposal was not approved by the majority in Parliament, it was strongly advocated by Calvert, who, while his utterances in Parliament were listened to with respect on account of the recognized sincerity of his personal character, suffered from being the representative and mouth-piece of the King, to whose policy the popular judgment was opposed.

Mercenary or venal motives have been attributed to Calvert on account of his advocacy of the Spanish match, and he has even been accused of having been influenced by Gondomar, the Spanish Ambassador, by pecuniary considerations. It is sufficient to say that such charges were not seriously entertained against him during his lifetime. The accusation

was given currency by a note of Tindal, an editor of Rapin's History. It is not due to the historian himself.[1] On the other hand, there is such contemporary testimony as that of Tillières, the French Ambassador at the English Court, who, though the representative of the power that was the chief political rival of Spain, described Calvert as "an honorable, sensible, well-minded man, courteous towards strangers, full of respect towards ambassadors, zealously intent upon the welfare of England; but by reason of all these good qualities, entirely without consideration or importance." If by this he meant the consideration and importance which at a notoriously corrupt and profligate court could only be obtained by corruption and time-serving, he was right. But all contemporary testimony goes to show that the real opinion entertained of Calvert's sincerity of character was in accordance with that expressed by the French Ambassador.

Notwithstanding the widening breach between

[1] *History of England*, by M. Rapin de Thoyras: 3d edition, translated by Revd. N. Tindal, 1743; vol. II. p. 200. M. Rapin (1661-1725) was a French Huguenot who rendered military service under William of Orange. (*Nouvelle Biographie Générale.*) He wrote in sweeping terms that "Count Gondemar had bribed with presents and pensions all those who had the King's ear, and who took care to cherish him in this vain project." Tindal adds in a foot-note the names of a number of persons supposed to have been bribed, and among them is included that of Sir George Calvert; but Tindal wrote more than a century after the event.

King and Parliament, the gross scandals attached to the Court, and the prevailing corruption and favoritism, Calvert, both as a member of Parliament and a minister of the Crown, remained a loyal supporter of the royal authority. But is it necessary to impute to him, therefore, unworthy motives? A struggle between royal prerogative and parliamentary government was inevitable. The immediate results of that struggle, the strife and bloodshed that must ensue, could be foreseen, even without forecasting that the triumph of the parliamentary party would cost James's son and successor both his crown and his head. But Calvert knew of the violence and license practised under the name of liberty by the Anabaptists and others on the continent of Europe. Is it wonderful that a man of conservative temperament, trained in the political school of the Tudors, recognizing the dangers of an immediate triumph of the popular will, but unable to look a century ahead and perceive the ultimate result in a monarchy limited by constitutional restraints, and a government controlled by a legislative body truly representative of the will of the nation, should shrink from the prospect of an assault upon the royal power? To such a man the possibility of an orderly popular government must have seemed remote, and the resistance of Parliament must have been viewed by him much like the beginning of anarchy, or of horrors such as were actually witnessed a century and a half later in France. It

is not surprising that such a man should think it better for the common weal that the people should be governed by a King, though unworthy, than that the King should be governed by a turbulent people.

And in respect to the Spanish marriage, of which, though distasteful to the majority of the people Calvert was an advocate, it was a subject upon which men and statesmen might reasonably differ. With all Germany involved in war, England was in need of a powerful ally, and Spain was to all outward appearance the most powerful, as well as the richest, nation in the world. That the seeds of decay had already taken root was not apparent. The glories and the triumphs of the reign of Charles V. were not so remote but that their memory lingered. And the conquests of Cortes and Pizarro in the new world had apparently opened to Spain inexhaustible sources of wealth. With England's treasury empty, the prospect of the rich dowry which the Spanish Princess was to bring, was no small consideration in the eyes of the spendthrift James. Gondomar, the Spanish Ambassador to England, was an accomplished diplomat, and no doubt did acquire a considerable influence with Calvert and other advisers of the King. Negotiations were kept pending, but the conclusion of a treaty was skilfully postponed. Meanwhile, contrary to the inclination of the people, James was kept from interfering on behalf of the Protestant Princes in Germany, or on behalf of his son-in-law, Frederick the Elector Palatine, who, in

accepting the crown of Bohemia, had not only failed to secure that kingdom, but had imperilled his claim to his hereditary principality as well. At last came the visit of Prince Charles and Buckingham to Madrid with a view of conducting negotiations in person, an expedition which resulted in the disclosure of Spain's insincerity in the negotiations, and their final rupture.

In the Parliament of 1624 Calvert, having lost the seat which he had held for Yorkshire, was returned as one of the members for the University of Oxford. But, disheartened by the failure of the Spanish alliance, in the success of which he had been deeply interested, recognizing the increasing difficulties which beset the throne, dominated as it was by the influence of favorites, opposed in policy by the Commons, and regarded with hostility on account of abuse of the royal prerogative and the multiplication of impositions, Calvert became anxious to retire from official position. He had moreover become a convert to the Roman Catholic Church, and his action in resigning may have been precipitated by his appointment, in January, 1625, upon a new commission to try recusants. At all events, in the following month, he resigned his Secretaryship and openly avowed his adherence to the Church of Rome. According to the fashion of the times his successor, Sir Albert Morton, paid Calvert £6000 for the succession to the office, or about the equivalent of its emoluments for three years. The King accepted

his resignation with regret, and as a mark of his special favor retained him as a member of the Privy Council, and created him Baron of Baltimore, in the Kingdom of Ireland. Calvert had previously received other marks of the royal favor. In 1621 the King granted him a manor of 2300 acres in County Longford in Ireland, and in 1623 a charter for what was erected into the Province of Avalon in Newfoundland in the parts of America.

Calvert had for some time been deeply interested in the ventures for colonizing the new world, and as early as 1609, had been a member of the Virginia Company. He was subsequently a member of the provisional council for the management of the Virginia colony, and in 1622 was one of the eighteen councillors of the New England Company. In 1620, before the grant of his charter, he had purchased a plantation called Avalon upon the island of Newfoundland.

His release from the cares of official position gave Calvert the opportunity to devote his attention to his schemes for colonization. The charter of Avalon was exceedingly liberal in its terms and in the powers conferred upon the proprietary. The province was erected into a county palatine, held of the Crown by strictly feudal tenure *in capite* by knight's service.

But the affairs of the Avalon colony did not prosper, and Calvert determined upon visiting it in person, to investigate its conditions and retrieve its fortunes, if possible. He sailed for Newfoundland

in the summer of 1627. The settlers then numbered about sixty persons, and though the season of the year was favorable, Calvert was evidently disappointed both in the character and condition of his colony. He found an inhospitable climate, land little susceptible of cultivation, with fisheries the most valuable industry. Returning, after a brief sojourn, to England for the winter, Calvert again set sail for Avalon in the summer of 1628, taking with him Lady Baltimore, his second wife [1] (his first wife having died in 1622) and all of his family,—except his eldest son, Cecilius, who remained to look after the estates in Ireland,—together with about forty colonists.

The results of this second voyage were such as to lead Calvert to determine upon abandoning the Avalon colony as hopeless. He went upon an errand of peace, but war between England and France having been precipitated by Buckingham's policy, certain French ships, cruising in the North Atlantic, attacked the Newfoundland settlements and captured two English vessels. Calvert promptly sent two vessels, manned and armed as fully as practicable, to the rescue, and succeeded in driving off the invaders and recovering their captures. Sixty-seven prisoners were also taken, which to a

[1] Her given name, as mentioned in legal papers, was Joane; her family name the present writer has not ascertained. She was the mother of Philip Calvert, Lord Baltimore's youngest son.

colony which apparently did not number much more than one hundred persons must have rendered the victory both expensive and inconvenient. It is worthy of note that the vessels which were engaged upon this expedition were the Ark and the Dove, the former described as of three hundred and sixty-two tons burthen, and the latter a pinnace of sixty tons, vessels which were destined a few years later to have their names inscribed forever on the pages of Maryland's history, for in them were conveyed the first colonists of the Province of Maryland. Shortly after, an English man-of-war, the Unicorn, appeared, and in company with Calvert's ships a search was made for the Frenchmen in the different harbors of the Island. This cruise resulted in the capture of six French ships. These were sent as prizes to England.

Calvert appears to have felt some concern as to his own part in this warfare, lest he should be held accountable for violation of the laws of war in engaging in a naval battle without being licensed by letters of marque; for in writing to Buckingham, giving an account of these occurrences, he expressed the hope that he would "pardon all errors of formality in the proceedings." The death of Buckingham had occurred two days before this letter was written.

Lord Baltimore's son, Leonard, who returned to England with the prizes, petitioned the King, Charles, for letters of marque to be issued to his

father, antedated, so that he should be legally entitled to a share in the prize money; and a petition was also addressed to the Admiralty by William Peasely, Baltimore's son-in-law, asking that one of the captured ships might be lent for the defence of the colony at Newfoundland. The ship Saint Claude was thereupon loaned to Baltimore for a year and taken back to the colony by Leonard Calvert.

The rigors of the climate had convinced Lord Baltimore that for a successful colonization a more southern location must be sought. Lady Baltimore sailed for Virginia before the close of the year, and remained some time at Jamestown. Lord Baltimore himself remained during the winter at Avalon, and in a letter to the King, written in August, 1629, stated that he had learned by dear-bought experience facts which had hitherto been concealed from him, among others that "from the midst of October to the midst of May there is a sad face of winter upon all this land; both sea and land so frozen for the greatest part of the time, as they are not penetrable; no plant or vegetable thing appearing out of the earth until it be about the beginning of May, nor fish in the sea; besides the air so intolerable cold as it is hardly to be endured. By means whereof, and of much salt water, [meat?] my house hath been an hospital all this winter; of a hundred persons, fifty sick at a time, myself being one; and nine or ten

of them died."[1] He therefore asked the King to grant him some precinct of land in the dominion of Virginia, with such privileges as the King, his father, had been pleased to grant to him at Avalon.

Charles replied to this letter discouraging Lord Baltimore from further attempts at colonization. After expressing appreciation of his efforts in that direction, he said: "Seeing that your plantation in Newfoundland (as we understand by your letter) hath not answered your expectation, which we are informed you take so much to heart (having therein spent a great part of your means) as that you are now in pursuit of new countries, we out of our princely care of you, well weighing that men of your condition and breeding are fitted for other employments than the framing of new plantations, which commonly have rugged and laborious beginnings, and require much greater means in managing them than usually the power of one private subject can reach unto, have thought fit hereby to advise you to desist from further prosecuting your designs that way, and with your first convenience to return back to your native country, where you shall be sure to enjoy the liberty of a subject and such respect from us as your former services and late endeavors do so justly deserve."

This letter of advice, coming from the King, would no doubt have been regarded by Lord Baltimore as tantamount to a command for his prompt

[1] *Md. Archives. Proc. of Council* 1636-1667, p. 16.

return to England; but before its receipt he had sailed for Virginia, where he arrived in October, 1629. There he was but coldly received. The charter of the Virginia Company had been annulled, and the Governor and Council of Virginia, knowing or suspecting Lord Baltimore's designs to establish a southern colony, recognized that it was within the bounds of possibility for the King to grant him a new charter for the whole dominion of Virginia, excepting only such portions as had become private property. They determined therefore to be rid of him. A means was easily found. Notwithstanding the fact that he had lately been a member of the Privy Council, and also of the provisional council for the government of the Virginia colony, they demanded of him not only the oath of allegiance, but the oath of supremacy as well, which they knew he could not conscientiously take. In doing so they apparently exceeded their authority, though Lord Baltimore offered to take the oath in a modified form. This they refused to accept, and declared that the matter would have to be referred to England. The question does not appear to have been further pressed, but the departure of Lord Baltimore was hastened. That his presence at Jamestown was resented by some of the populace is shown by a record that one Thomas Tindall was pilloried "for giving my Lord Baltimore the lie and threatening to knock him down." But the action of this ruffian, in offering personal violence, did not indicate the general dispo-

sition, or at least that of the ruling class; for Lord Baltimore was content to leave his wife and family at Jamestown under the protection of the government there, while he returned to England to seek a grant or charter for a new colony in southerly latitudes.

Being detained in England on this business much longer than he had anticipated, he procured a letter from the Lords of the Council to the Governor of Virginia, instructing the latter to afford to Lady Baltimore and her family his best assistance for her return to England. The Saint Claude was again loaned to Lord Baltimore by the government, this time for the conveyance of his family home. The vessel had a prosperous voyage to America, but upon its return was wrecked upon the coast of England, and though the lives of the passengers were saved, all the valuable property and personal effects with which the vessel was freighted were lost.[1]

Baltimore, notwithstanding the dissuasion of the King and his implied promise to recompense him for his losses by an increase of royal favor, steadily adhered to his cherished plan of establishing a colony in the new world. At length the King yielded and gave him a grant of territory extending from the James River, southward to the Chowan, and

[1] Wilhelm, *Sir George Calvert, Baron of Baltimore*: *Md. Hist. Soc., Fund Pub. No.* 20 *p.* 147. In Lord Baltimore's will, dated April 14, 1632, the day before his death, no mention is made of Lady Baltimore. Evidently she was not then living.

westward to the mountains. This grant was bitterly opposed by members of the dissolved Virginia Company, who still sought and hoped for a revival of the charter of that company. Not wishing to embark upon his enterprise with the powerful hostility of those interested in the Virginia Company confronting him, Lord Baltimore asked the King to reconsider this grant. This was accordingly done, and the grant of Carolana, as the territory just described was called, was surrendered, and in lieu thereof a grant was promised of territory lying immediately to the *north* of Virginia, and on both sides of the Chesapeake Bay, including the whole of the peninsula on the eastern shore, and extending on the western shore, from the 40th degree of north latitude, (which was the southern boundary of New England) down to the mouth of the Potomac River, and taking for the southern boundary the south bank of that river, westwardly to the longitude of its first source. This territory, though within the limits of the original grant to the Virginia Company, lay between the New England and Virginia colonies, without infringing upon either, and it was believed that no settlement had been made by Englishmen within its limits. It was subsequently ascertained that settlements had been made by Virginia colonists upon the lower portion of the eastern shore peninsula, and that portion was consequently excluded from the grant.

The charter for this new colony, to be established under the name of Maryland, did not pass the seal until after the death of George, the first Lord Baltimore, to whom it had been promised, and was therefore issued to his son and heir, Cecilius, second Lord Baltimore, who thus became the first Proprietary of Maryland.

George, Lord Baltimore, had for some time been in declining health, and on the 15th day of April, 1632, with the members of his family about him, he passed away. He was but fifty-two years old at the time of his death. His life, though comparatively brief, had been singularly eventful. Sprung from a family previously unknown, his ability was early recognized and his political preferment was rapid. He became, successively, member of Parliament, clerk to the Privy Council, one of the principal Secretaries of State, and member of the Council. He was entrusted with missions abroad, and with the most important negotiations with foreign powers. He enjoyed the confidence of the King, and as a member of Parliament was entrusted with the difficult task of defending, against a powerful and hostile majority, the King's unpopular policy and measures. Meanwhile, he was actively interested in plans of colonization in the new world; and when at last,—wearied with the strife of political life, and finding himself unable, from changed religious convictions, conscientiously to discharge duties that were required of him,—he resigned his office and its

emoluments, it was only to devote himself with vigor to founding a new province in the wilderness. For this purpose he made two voyages to America, and though he did not live to see the fruition of his labors, he visited and saw for himself the region which was secured by grant to his son. So much for the external events of the life of the first Lord Baltimore.

It is fitting to add a word as to the man. He did not perhaps possess the qualities that constitute greatness, but he did possess in the highest degree those that constitute usefulness and true worth. He was judicious, prudent, tactful, possessed of the most untiring industry, and above all, living in the midst of a most scandalously corrupt court, and at a time when a newly forming public opinion was beginning to demand a higher standard of public morals, even though the downfall of a Lord Chancellor were the result, his integrity was never questioned during his lifetime. It was not until after his death that any one ventured to attribute his advocacy of the Spanish match to the influence of Spanish gold, while in Goodman's History of the Court of King James it is ascribed to religious zeal. It does not appear that either of these theories is sustained by evidence. Lord Baltimore's whole course in this matter was that of a man following the lead of his convictions. His course was uniformly consistent. He believed that the alliance with Spain was for the best interests of England, and whether his judgment was right or wrong, he steadfastly acted in accordance with its dictates.

In respect to his change of faith, this also was attributed by some to the influence of Gondomar, the Spanish Ambassador, and Calvert was accused of concealing for motives of policy his conversion to the faith of the Church of Rome. There appears to be no ground for either assertion. After Gondomar's departure from England, Calvert was still serving on commissions against the seminary and recusant clergy, and urging the King to extend aid to the Protestants in Germany. There is no apparent reason to doubt that his previous attachment to the Church of England, in which he had been reared, was as sincere as his subsequent conversion to the Church of Rome. When, after his change of faith, already weary of political life, he was appointed upon a new commission against Papists, he seized the opportunity to announce his inability to serve, and resigned his office. Shortly after, he left London for the home of his childhood in Yorkshire, in company with an old schoolmate, Sir Toby Mathew, who, though a son of the Protestant Bishop of Durham, had become a Jesuit. It is perhaps more reasonable to ascribe Lord Baltimore's change of faith to the influence of Sir Toby than to proselyting zeal on the part of Gondomar. The carelessness with which assertions are sometimes made and inferences drawn without warrant of facts, even by persons who write in the character of historian, is shown by the statement of Bishop Goodman, who wrote that one "who was thought to gain by

the Spanish match was Secretary Calvert, and as he was the only Secretary employed in the Spanish match, so undoubtedly he did what good offices he could therein for religion's sake, being infinitely addicted to the Roman Catholic faith, having been converted thereunto by Count Gondomar and Count Arundel, whose daughter Secretary Calvert's son had married."[1] *Had married,* the historian says. The negotiations concerning the Spanish match were terminated in 1623; Lord Baltimore announced his conversion to the Roman Catholic faith and resigned office in 1625; but the marriage of his son Cecilius to the daughter of Lord Arundel,—who was not the Count or Earl Arundel, whose family name was Howard, but Lord Arundel of Wardour, whose rank was that of Baron,—did not take place before 1628. In 1623 Cecilius was but seventeen years of age. Thus it is found sometimes in histories to which the reader should feel justified in turning for facts, that there is confusion of dates, the substitution of inference for evidence, and a consequent confusion of cause and effect.

[1] *Court of King James the First*: London, 1839, by Dr. Godfrey Goodman, Bishop of Gloucester (1583-1655), Vol. I. p. 376. This writer was appointed Bishop of Gloucester in 1625: suspected of Popish sentiments and imprisoned in the Gate House in 1640 upon refusing to subscribe to the canons and regulations prescribed by Archbishop Laud. Subsequently he gave his allegiance to the Church of Rome. (*Nouvelle Biographie Générale;* Fuller's *Church History,* B. III, p. 408.)

As an illustration of the inner spirit of the man, a letter written by Lord Baltimore to Lord Wentworth, his old colleague as member of Parliament for Yorkshire, upon the occasion of the death of the latter's wife, is of special interest. He wrote:—

"Were not my occasions such as necessarily keep me here at the time, I would not send letters, but fly to you myself with all the speed I could to express my own grief, and to take part of yours, which I know is exceeding great, for the loss of so noble a lady, so virtuous and so loving a wife. There are few, perhaps, can judge of it better than I, who have been a long time myself a man of sorrows. But all things, my lord, in this world, pass away: *statutum est;* wife, children, honour, wealth, friends, and what else is dear to flesh and blood. They are but lent us till God please to call for them back again, that we may not esteem anything our own, or set our hearts upon anything but Him alone, who only remains forever. I beseech His almighty goodness to grant that your Lordship may, for His sake, bear this great cross with meekness and patience, whose only Son, our dear Lord and Saviour, bore a greater for you; and to consider that these humiliations, though they be very bitter, yet are they sovereign medicines ministered unto us by our heavenly Physician, to cure the sickness of our souls."

This letter was written from London and dated October 11th, 1631, at a time when Baltimore himself had much cause for depression. His venture in

Newfoundland had recently proved a failure, he had been practically expelled from Virginia, and more recently the ship conveying his wife thence had been wrecked and much of his property lost. Himself "not ignorant of evil, he had learned to comfort the distressed." This letter was addressed to Wentworth, afterwards to become the ambitious, the imperious, the relentless Earl of Strafford. Written by one who had long been his friend, it throws a softer and gentler light than the page of history is wont to shed, upon both the sender and him to whom it was sent.

In Mr. Wilhelm's monograph, entitled *Sir George Calvert, Baron of Baltimore,* published by the Maryland Historical Society, and also in Dr. Browne's *George and Cecilius Calvert, Barons Baltimore,* both of which publications have been freely consulted in the preparation of this sketch, it is stated that since the church, St. Dunstan's, Fleet Street, in which the first Lord Baltimore was buried, was destroyed during the great fire of London, no statue, bust or monument, on either side of the Atlantic, perpetuates his memory. To this statement one exception must now be made. At the corner of Cathedral and Mulberry streets, in this city, there is a school conducted by the Christian Brothers in a building known as Calvert Hall. Upon the northeast angle of that building, and facing toward the Roman Catholic Cathedral, there has been erected, beneath a stone canopy, a statue. It is the statue of George Calvert, the first Lord Baltimore.

LECTURE II.

Cecilius, Second Lord Baltimore.

OF the early life of Cecilius, the second Lord Baltimore, but little is known, beyond the facts that he was baptized and confirmed in the Church of England. His father was conspicuous in the public and political life of England, and hence some of the principal events of his life can be gathered from the histories of his times. Cecilius on the contrary never held any public office, and appears to have avoided rather than sought notoriety. His energies during many years were directed chiefly to the affairs,—often troubled affairs,—of his Province in the new world, and in his acts and correspondence in relation to them, are to be found the chief indications of the life and character of the man.

Cecilius was born in 1606, and named after Sir Robert Cecil, the warm friend of his father, to whom the latter owed his introduction to, and advancement in, public life. In 1621, at the age of fifteen, he entered Trinity College, Oxford, but no record of his graduation has been found. He married Lady Anne Arundel, daughter of Lord Arundel of Wardour, a lady who appears, from a portrait of her now in existence, to have been possessed of remarkable beauty. According to Bishop Goodman, who found

in this marriage one of the causes for his father's conversion to the Church of Rome, avowed in 1625, Cecilius could not have been more than eighteen years of age at the date thus ascribed for his marriage. As a matter of fact, it is plain from MS. evidence, now in the possession of the Maryland Historical Society,[1] that this marriage did not take place before 1628, when Cecilius was twenty-two years of age; but Bishop Goodman's careless inaccuracy has led to the assertion by nearly every one who has written upon this subject that he was married at the age of eighteen.

In June, 1632, the charter for the Province of Maryland, which had been promised to his father, but whose death occurred in April of that year, was issued to the son, who thus at the age of twenty-six, became the first Lord Proprietary of Maryland.

The charter of Maryland was modelled after that of Avalon and was probably framed by the first Lord Baltimore. It has been pronounced by McMahon to be more ample in its terms than any similar charter ever granted by an English King;[2] and in fact the constitution of the Province of

[1] On March 20, 1627/8, Sir George Calvert, Lord Baltimore, with Lady (Joane) Baltimore, his wife, being then about to sail for America, conveyed certain land in trust for the benefit of Cecilius upon his marriage, the conveyance to be void if he should not marry within a year from that date. *Maryland Hist. Soc., Coll. Calvert MSS.*, Doc. 39. See reference to Goodman's *History* on page 25, *supra.*

[2] *Historical View of the Govt. of Md.* Vol. I., p. 155.

Maryland differed materially from those of the English colonies previously established upon the American continent, the one in Virginia, and the other in New England.

By the terms of the letters patent granted to Lord Baltimore, it was declared that Maryland, in order that it might be eminently distinguished above all other regions in that territory and decorated with more ample titles, was erected into a Province; and of this Province the Baron of Baltimore and his heirs were constituted the true and absolute Lords and Proprietaries, with all the powers, prerogatives, immunities and royal rights which any Bishop of Durham, in the bishopric or county palatine of Durham ever had used or enjoyed or of right could have held and enjoyed.

The proprietaries were given the patronage and advowsons of churches with authority to have them consecrated according to the ecclesiastical laws of England. They were given power to enact laws with the advice and assent of the freemen or their representatives, and to enforce the same through courts of their own creation; to punish violations of law, whether committed in the Province or on the high seas, even to the taking of life or limb, and when the freemen could not conveniently be convened, to make ordinances which should have the force of law, except that under such ordinances no one could be deprived of life, limb or property. They were given authority to confer dignities and

titles, to raise and maintain a military force, to wage war, to pursue enemies beyond the borders of the Province, and in the event of sedition or rebellion to proclaim martial law; to establish ports of entry, and, upon occasion, to impose taxes and subsidies upon merchandise ; to alienate land in fee, fee-tail, or upon lease; to constitute manors and establish courts-baron. It was in the charter provided that all subjects of the Crown going to Maryland, and their descendants born there, should be esteemed to be natives of England, have all the rights and liberties of Englishmen, with power to own land and other estates of inheritance in England. They were given authority to trade not only with the mother country, but also with foreign nations, with which England was at peace. The power of the Crown to impose any customs, taxations or contributions within the Province was distinctly renounced (though the payment of the customary duties on wares and merchandise brought into England or exported therefrom was reserved); and it was finally declared that the territory described should not thereafter be considered a part of Virginia, and that in case of doubt as to the meaning of any word, clause or sentence in the charter it should always be interpreted in the manner most beneficial, profitable and favorable to Lord Baltimore, his heirs and assigns. There was reserved to the Crown, and to all the King's subjects of England and Ireland the liberty of fishing for sea fish in

the waters of the Province, with the privilege of landing for salting and drying the same, and for that purpose to cut hedge-wood and twigs for building huts, so that the same were done without notable injury to the Proprietary or the residents.

This province was granted to Lord Baltimore and his heirs to be held by feudal tenure in free and common socage only, the tribute reserved being two Indian arrows to be delivered yearly in Easter week at Windsor Castle, and the fifth part of the gold and silver ore to be found within the Province.[1] As no precious metals were discovered, this last was a barren provision. Numbers of receipts for the Indian arrows delivered from year to year at Windsor are among the Calvert papers in the possession of the Maryland Historical Society.

From this brief review it will be seen that the Lords Baltimore were endowed by the terms of the charter with an hereditary sovereignty over their province, which differed only from independent rule in that the inhabitants were reckoned subjects of the Crown as well as of the Proprietary, and the overlordship of the King, and allegiance to him, were acknowledged by the yearly tribute of Indian arrows. The rank of the province was that of a

[1] Tenure in free and common socage differs from that *in capite* by knight's service, in that the uncertain military service required by the latter is commuted for a fixed tribute, which in the case of the Maryland Province consisted merely of the reservations mentioned in the text.

county palatine. There were several instances on the continent of Europe of feudal lords holding the rank of count palatine. It was conferred upon those holding border positions, who were clothed with special powers, in order that as wardens of the frontier,—lords of the marches,—they might the more readily and efficiently act for defence in case of sudden invasion. Following this example, William the Conqueror, while seeking to provide against the acquisition of too great power by the peers of the realm in England, which might become a menace to the Crown, recognized the importance of granting exceptional authority to the lords of the marches or border counties. Hence the earldom of Chester on the borders of Wales,[1] and the bishopric of Durham to the north, to which was united the earldom of Northumberland, were made counties palatine. The earldom of Chester was united to the Crown by Henry III., and the duchy of Lancaster, which had been made a palatinate by Edward III., attached to the Crown upon the Duke of Lancaster's accession to the throne as Henry IV. At the date of the Maryland charter Durham alone remained of the ancient palatinates, and therefore served as the model and

[1] The earldom was united to the bishopric of Chester, so that, as in the case of Durham, the palatinate authority was bestowed upon an ecclesiastic. Thus William of Normandy shrewdly avoided the possibility of the extraordinary powers conferred becoming hereditary in any one family.

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standard of reference in the definition of the palatinate jurisdiction of the Lords Proprietary of Maryland. The authority of a count palatine was little short of royal. On account of the military necessities of his frontier position, he was authorized to summon his feudal forces to resist invasion without waiting to communicate with the King. In this manner the Bishops of Durham exercised dominion from their ancient and beautiful seat and stronghold near the Scottish border, a site well chosen on account of its capability for defence by the monks of Lindisfarne, when about the close of the tenth century they carried thither the remains of St. Cuthbert.

The authority of the Bishops of Durham extended not only to military matters; it included civil jurisdiction as well. Judges were appointed by them, and justice was administered and crimes punished, not in the name of the Crown, but of the Bishop. These extraordinary privileges, anomalous as they may now seem, were retained by the Bishops of Durham until the nineteenth century, and were not finally abolished until 1836, one year before the accession of Queen Victoria.

All the conditions which originally led to the creation of counties palatine applied to colonies planted in the new world. They were essentially frontier settlements, removed from the seat of government by a much greater distance than any border county of the kingdom, with still greater

difficulties of communication. They were near to the colonies of France in Canada and Louisiana, and to those of Spain in Florida,—countries between which and England a state of war might, and did from time to time, exist; and they were surrounded by Indian tribes with which hostilities might at any time arise. The orderly government of the colony required the establishment of courts by which the laws could be enforced and wrongs redressed. Ample authority for the exercise of all the powers of government within the Province of Maryland, independent of any interference or control on the part of the Crown, was conferred upon Lord Baltimore by the terms of his charter.

Cecilius promptly set about to fit out an expedition for the settlement of the colony, and he as promptly met with the most persistent hostility and antagonism. Not only were the members of the old Virginia Company, who were seeking to have its charter revived, with the original boundaries intact, hostile to the new colony, but William Claiborne, one of their number, was especially bitter. Claiborne had established a trading post on Kent Island in the Chesapeake Bay, and he resented the grant of proprietary rights to Lord Baltimore, with authority to regulate trade in a region where he proposed to secure the entire benefits to himself. The enmity of Claiborne to Lord Baltimore's enterprise continued unabated during a long life, and he found many opportu-

nities of manifesting it. The actual settlers in Virginia did not favor the restoration of the old Company, and from them Lord Baltimore had nothing to apprehend. But his enemies were active in London. There was no charge or complaint too frivolous to be urged so it would serve to impede his plans. His charter was objected to on the ground that the ample powers bestowed upon the Proprietary would be subversive of the liberties of the people; and at the same time, almost in the same breath, that the liberties secured to the Maryland colonists were so great that they would make the settlers in Virginia discontented.[1] The expedition being fitted out by Lord Baltimore was said to be for the purpose of conveying nuns to Spain, and also for carrying troops for that country. With these and other contradictory tales, the departure of the Maryland pioneers was greatly delayed, and it was not until November, 1633, that they finally set sail from the Isle of Wight for the capes of the Chesapeake. The vessels were the Ark, of about three hundred tons, and the Dove, a pinnace of about fifty tons, both of which had belonged to Baltimore's father. The former sailed from Gravesend on October 18th, but had no sooner departed, than information was laid before the Star Chamber that the oath of allegiance had not been administered to the crew, and that the vessel was without a

[1] *Md. Archives: Proc. of Council*, 1636-1667, pp. 18, 19.

clearance from the custom-house. Orders were accordingly sent post-haste to the admiral commanding at the Straits to intercept the ships and send them back.[1] Lord Baltimore, in a letter to Earl Strafford, denounced these charges as "most notoriously and maliciously false." At all events the ships proceeded on their way after the oath had been administered to one hundred and twenty-eight persons. At the Isle of Wight two Jesuit priests were taken on board, and the company which sailed finally numbered over three hundred persons. Possibly some others, beside the priests, came on board after the visit of the King's officers. There were doubtless numbers who could not conscientiously take the oath of supremacy; but what proportion of this first company of pilgrims to Maryland were of the Roman Catholic faith, it is now impossible to determine. A large proportion of the company was composed of men bound to service, and these apparently were mostly Protestants. Of the actual settlers, men of fortune, who went to take up lands and immediately become freemen of the Province, it is probable that the majority were Roman Catholics; but it is also likely that they constituted but a minority of the entire number of colonists.

Lord Baltimore fully intended to accompany this expedition in person, but the activity and malignity

[1] *Md. Archives*: *Proc. of Council*, 1636-1667, p. 23.

of Claiborne and those associated with him were such that he found it necessary to remain in London to watch and resist their machinations. The leadership of the venture was therefore entrusted to his brothers, Leonard and George Calvert, of whom the former was commissioned Deputy Governor.

Among the Calvert papers, acquired a few years ago by the Maryland Historical Society, is a very interesting document, being an autograph letter of instructions addressed by Lord Baltimore to his brother Leonard, Jerome Hawley and Thomas Cornwaleys, whom he had nominated as commissioners for the government of the Province, touching their conduct during the voyage and after their arrival in Maryland.[1] This letter is particularly valuable in revealing the mind and character of the second Lord Baltimore, as it is plainly his own work even to its manual execution. It is in his own handwriting with his own corrections and interlineations.

In the very first paragraph he directed that in order to preserve peace and unity among the passengers, and to avoid all occasion of scandal or offence, they cause all acts of the Roman Catholic religion to be performed as privately as possible, and that the Roman Catholics be instructed upon all occasions of religious discussion to remain silent, and that they treat the Protestants with as much favor as

[1] *Md. Hist. Soc., Calvert Papers*, No. 1, p. 131.

justice would permit. This to be done on land as well as at sea.

The commissioners were also instructed to seek tactfully to find out what efforts his enemies had made in England to create disaffection among the adventurers and to collect evidence upon this point. They were to cultivate friendly relations with the Virginians, and at the same time, he cautiously added, to avoid anchoring under the guns of the fort at Point Comfort, but lie over toward the eastern shore, about Accomac. A letter from the King, and one from his Lordship, to Sir John Harvie, the Governor of Virginia, were to be delivered with great respect by the hands of a messenger who was conformable to the Church of England, and along with the letters, expressions of friendship and a butt of sack, shipped for the purpose, were to be presented. Captain Claiborne was to be notified, also by a messenger attached to the Church of England, of the arrival of the expedition and invited to confer about future business arrangements for trading within the boundaries of Maryland.

As soon as landed the people were to be assembled, the letters patent publicly read, also his Lordship's letter of commission, and then the oath of allegiance to the King was to be taken, first by the commissioners and afterwards by all and every one of them. And it was to be distinctly declared that none should enjoy the benefit of the Maryland grant but such as should give public assurance of their fidelity and

allegiance to the King. The commissioners were to inform themselves of the condition of the Virginia colony, and of the disposition of the leading men towards the colony in Maryland; and, without sacrifice of rights, take occasion to oblige any of the Council of Virginia. Directions were given as to the apportionments of land, the building of a fort, and, near by, a house and church for his Lordship's seat. In laying out a town, the houses were to be built in as decent and uniform a manner as possible, and adjoining one to the other, and for this purpose streets were to be laid out. In apportioning land, a tract was to be set out for his Lordship's own proper use and inheritance, as in this first venture he proposed to place himself along with these first settlers, to whom he "conceives himself more bound in honor." Of all the apportionments of land, plats were to be prepared, as also of the soundings of the rivers and bays. Instructions were to be given for the planting by each one of a sufficient quantity of corn; a military organization was to be effected, and discipline preserved. Enquiry was to be made as to the existence of material for making salt or saltpetre, and search instituted for iron-ore or other minerals.

Finally, the commissioners were charged that they be careful to do justice to every man without partiality, and that they avoid any occasion of difference with those of Virginia, but to have as little to do with them as they can,—for the first year.

This letter gives evidence of a wise, just and statesmanlike attitude on the part of the first Proprietary of Maryland, who, a young man, but twenty-seven years of age, surrounded and harassed at every move by those who sought to place obstacles in his way, embarked bravely upon the undertaking of founding and organizing a community and a government in a far off land which his eyes had never beheld, and which they were destined never to behold. In his careful instructions as to avoiding all ground of offence on account of religious differences, we can recognize the liberal spirit which was afterwards to lead to the famous Act of Religious Toleration in Maryland, enacted at a period when most men held that to assent to a difference in religious opinion, or to permit one who differed to go unpunished, was to be accessory to a crime, while those in authority acted upon that theory.

Lord Baltimore's administration of his Province was beset with difficulties from the beginning.

With the neighboring Indian tribes, the relations of the Maryland colonists, it is to be noted, were uniformly friendly. The country was occupied by the Pascataways, a peaceable people, who had evidently made some strides in civilization, for they had not only erected villages, but had also made progress in agriculture, and therefore were not wholly dependent, like the more warlike and nomadic tribes to the northward, upon the chase. These Indians gave friendly reception to the Maryland

colonists upon their arrival in the Potomac River, in March, 1634, and readily ceded to them, in exchange for iron tools and pieces of cloth, not only ground for a settlement, yielding for their occupancy some of their own houses—one of which was converted into a chapel by the Jesuit Fathers—but also lands for planting, reserving only the right to gather the crops which they had themselves already planted. Their action was uniformly generous, in bringing and giving to the newcomers the results of the chase, and assisting them in hunting and fishing. Important articles of diet among them were dishes which they called "pone" and "hominy," names which have in this State become familiar in household economy.[1] The local Indian tribes were all the more ready to enter into friendly relations with the colonists for the reason that they recognized in them powerful allies against the more warlike tribes to the north, the Susquehannoughs and the Iroquois, from whom they suffered frequent inroads. It is a pleasant fact to note that throughout the colonial history of Maryland the friendly relations with these Pascataway Indians were never interrupted. The settlers and the Indians were alike loyal to each other.

But disturbances enough came from other quarters. The hostility of Claiborne, who claimed a settlement

[1] *Voyage to Maryland. Md. Hist. Soc., Calvert Papers*, No. 3, pp. 41, 43.

on Kent Island, was unabated. He refused to render allegiance to Lord Baltimore, or to accept title to land from him. His claim to priority of title to Kent Island had been disallowed in England by the Lords Commissioners of Plantations, but, notwithstanding, he continued to disregard the authority of Lord Baltimore, either as proprietor of the soil, or as entitled to regulate trade. Early in 1635, Governor Calvert having waited a full year in accordance with his brothers instructions, for compliance on Claiborne's part, caused a pinnace sailing under Claiborne's orders to be seized in the Patuxent River for trading in Maryland without a license from the Lord Proprietary; and the master, Thomas Smith, was arrested. He was released, but the vessel was detained. Reprisals quickly followed. Claiborne fitted out an armed sloop with instructions to its commander to attack any Maryland vessels. Governor Calvert sent two pinnaces, under command of Thomas Cornwaleys, in pursuit of this invader. The vessels met at the mouth of the Pocomoke, and Claiborne's vessel was captured after its captain and two of the crew had been killed. A few days later there was another skirmish; this time with a vessel commanded by the same Thomas Smith who had been captured shortly before. The intercepting and capture of Claiborne's vessels reduced the settlers at Kent Island to sore straits for food, a fact which in itself suggests that this settlement was not, as Claiborne pretended, an

established plantation, but rather a trading post, dependent for supplies from without.

Claiborne's principals in England, Messrs. Cloberry & Company, merchants of London, utterly disapproved of his attitude towards Lord Baltimore, and applied to the latter for a grant of the land at Kent Island, to which they did not pretend to have title; and upon hearing of the turn matters had taken, they sent out George Evelyn as their representative and attorney with authority to supersede Claiborne. To him Claiborne was obliged to yield, and shortly after returned to England where he became involved in litigation with Cloberry & Company.

After examining the terms of Lord Baltimore's charter, Evelyn promptly recognized that the Kent Island station could not be maintained without his authority and permission. He therefore offered his submission to Governor Calvert and obtained from him an appointment as Commander of Kent Island. He endeavored to induce the settlers to recognize the Proprietary's authority and apply to him for grants of the land which they occupied. This they refused to do, being instigated to resistance by representatives of Claiborne, who remained in the island; whereupon Evelyn invited Governor Calvert to undertake the forcible reduction of the settlement. This was not finally accomplished until two armed expeditions had been sent for the purpose. The second, in February, 1637/8, was under

the personal command of Governor Calvert, who returned bringing with him as prisoner that Thomas Smith, who had taken part in the naval encounters two years before, and who had begun to fortify Palmer's Island near the head of the Chesapeake. Smith was tried by the Assembly and condemned to death for piracy. A bill of attainder was brought against Claiborne and all his possessions within the Province declared forfeited. The people of Kent Island now cheerfully acquiesced in the new order, accepted deeds for their lands, and selected a delegate to represent them in the Assembly.[1]

Lord Baltimore's next difficulty came from an unexpected quarter. At the time of the planting of the colony it had been arranged that the spiritual oversight of the settlers, as well as the conversion of the savages to the Christian faith, should be confided to members of the Society of Jesus. Accordingly three Jesuits, Fathers Andrew White and John Altham, and Thomas Copley, accompanied the first voyagers. Whether the last named was at that time in holy orders, or a lay member of the mission, is not now perfectly clear. These missionaries addressed themselves with heroic zeal to the work before them, the cure of souls and the conversion of the heathen; but they did not stop there.

1 Governor Calvert estimated the number of men on the island capable of bearing arms at the time of his expedition at one hundred and twenty, besides some women and children.—*Md. Hist. Soc., Calvert Papers*, No. 1, p. 186.

Notwithstanding the fact that Lord Baltimore claimed title to all the land in Maryland by virtue of his grant from the King of England, these ecclesiastics proceeded to obtain cessions of large tracts from the Indians, among whom their ministrations were conducted, which lands they proposed to hold independent of the Proprietary; and they further claimed that the canon law had full force in this newly planted colony, and that under the provisions of the Papal Bull *In Coena Domini*, ecclesiastics and ecclesiastical property were exempt from the jurisdiction of the civil authority. Lord Baltimore, though himself sincerely attached to the Roman Catholic Church, was prompt to resent these pretensions, and to take alarm at the prospect of the acquisition of large tracts of land by ecclesiastical bodies. He went so far as to apply to the Propaganda at Rome for the recall of the Jesuit missionaries, and the sending in their stead of secular priests.

The dispute lasted several years. In a letter dated in April, 1638, from Father Copley to Lord Baltimore the demands of the clergy are set forth. Among other things it was asked that the church and the priests' houses should be sanctuary; that they themselves, their domestic servants and half the planting servants be free from public taxes; and that the rest of their servants and their tenants have exemption by private understanding; that they and their attendants should go freely among the Indians and trade with them without requiring

license from the government; and that the relinquishment of any ecclesiastical privilege should be voluntary on their part, they to be the judges of the occasion.[1]

In November, 1642, Lord Baltimore wrote with great emphasis to his brother, Governor Leonard Calvert, upon the subject of the position assumed by the clergy. He mentioned that another member of those of the hill (by which term the Jesuits were designated) had by slight gone on board a ship about to depart for Maryland, which action he, for divers reasons, resented as a high affront to himself; and directed that this priest, if he were to be found in the Province, should be apprehended and sent back. He went on to express his firm conviction that they plotted his destruction, and declared that "if the greatest saint upon earth should intrude himself into my house against my will and in despite of me, with intention to save the souls of all my family, but withal give me just cause to suspect that he likewise designs my temporal destruction, or that being already in my house doth actually practise it, although withal he do perhaps many spiritual goods, yet certainly I may and ought to preserve myself by the expulsion of such an enemy, and by providing others to perform the spiritual good he did, who shall not have any intention of mischief towards me." [2]

1 *Md. Hist. Soc., Calvert Papers,* No. 1, p. 166.

2 *Ibid.,* pp. 216, 217.

The matters in dispute were fortunately referred to a man of great wisdom and discretion, the Reverend Father Henry More, Provincial of the Jesuit Society in England. He decided against the claims of his subordinates, upheld the title of Lord Baltimore to the land, and directed that all grants to the Church or for church uses must be obtained from the Proprietary, and that those claimed from the Indians should be surrendered. He further renounced all claim to immunity from the operation of the laws of the land, and agreed that no priest should be sent to Maryland without the consent and approval of Lord Baltimore. The priests who had proved troublesome were recalled and others sent in their places. This difficulty was thus amicably ended, and the missions in Maryland continued to be served by the Jesuits.

But Lord Baltimore was careful to guard against the recurrence of similar difficulties in the future, by withdrawing from his Deputy Governor in Maryland the power to grant any land whatever to ecclesiastical bodies. That power he concluded to reserve to himself. He shortly thereafter prepared new conditions of plantation. By these conditions the provisions of the English statutes of *mortmain* were practically extended to Maryland, and the taking up of land by any society or corporation, temporal or spiritual, was prohibited. It is interesting to note the permanent influence of this conflict between Lord Baltimore and the Jesuits upon legislation in

Maryland. In this State alone no religious body can acquire land by purchase, gift or devise, except a small tract for a church building, without the sanction of the Legislature, no bequest or devise to a minister of religion as such is valid without similar sanction, and no minister of religion is permitted to be a member of the Legislature.

At a session of the Assembly begun in January, 1638, the first of which any record exists, a body of laws transmitted by the Lord Proprietary to be adopted by the Assembly for the government of the Province was presented, and rejected by that body, the only votes in their favor being cast by the Governor and Secretary with their proxies. The Assembly then proceeded to adopt laws of their own framing, which were sent to the Proprietary for his approval, and in turn, rejected by him. Here was a struggle immediately precipitated as to the right to initiate legislation. By the terms of the charter of Maryland, laws for the government of the Province were to be *enacted* by the Lord Proprietary, with the *assent* of the freemen of the province or a majority of them or their delegates. The enacting power was not with the legislative body, but with the Proprietary. But the former promptly claimed the right to propose or originate legislation. This claim Lord Baltimore at first resisted, resting upon the express terms of his charter; but perceiving that the prolongation of a dispute upon this subject would leave the Province

without any laws at all during its continuance, he, with that singular good judgment which he manifested on other occasions as well as this, and which enabled him, firm and resolute as he was in asserting and defending his rights, to recognize the occasions when a reasonable concession could be wisely made, yielded the point, and in the following August commissioned the Governor, his brother, Leonard Calvert, to give assent in his name to such laws as he should think fit, which should be consented to and approved by the freemen of the province, or their deputies in Assembly. Such laws, so approved, should continue in force in the Province until they should subsequently be finally disapproved by the Lord Proprietary by an instrument under his hand and the great seal of the Province; but if confirmed by the Proprietary, they should thereafter be irrevocable by him.

At this session of the Assembly the three Jesuit priests, being freemen of the province, were summoned as members. On the first day Mr. Robert Clerke, of St. Mary's, answered for them and asked that they be excused by reason of sickness. At roll call on the second day he asked that they be excused altogether from attendance, which was allowed. That the sickness referred to would more properly be described as an *indisposition*, is apparent from the letter of Father Copley to Lord Baltimore in relation to this session and its proceedings in which he says: "It was not fit we should be there in person, and

our proxies would not be admitted in that manner as we could send them;" and so they were "excluded." [1]

It was not to be expected that the political strife in England, which was soon to result in the temporary overthrow of the royal power and the death of the King, would be without its echo in Maryland. Though far removed from the scene of conflict, there were partisans here both of King and Parliament. Early in the year 1644, Governor Calvert having gone to England to confer with his brother about the affairs of the Province, there came to St. Mary's a sea captain named Richard Ingle, commanding a vessel called the Reformation. He was arrested by the authorities on the charge of using violent and treasonable language concerning the King, and committed to the custody of the sheriff, but Captain Cornwaleys and Mr. Neale, two members of the Council, restored him to his vessel. He thereupon sailed without waiting for the formality of a clearance; but he soon returned, and after committing a number of violences, again departed, this time taking with him his friend Cornwaleys as a passenger for England.

Governor Calvert upon his arrival in September of the same year, found the colony in much disquiet. Claiborne, who has been described as the arch-enemy of Maryland, had been making secret visits to Kent Island seeking to stir up sedition

[1] *Md. Hist. Soc., Calvert Papers*, No. 1, p. 158; (already referred to on p. 47, *supra*).

among the settlers at that place. Ingle meanwhile returned, this time with an armed vessel and some sort of a commission from Parliament;—letters of marque, he claimed. He seized possession of St. Mary's, the seat of government of the Province, and for about two years kept up a state of anarchy. He appears to have been little else than a pirate and marauder,—equipped with sufficient force to overthrow the existing government, but without either ability or disposition to establish another in its place. He pillaged plantations, despoiled dwellings of everything valuable, even to the locks and hinges on the doors, stole the great seal of the Province,—it being made of silver,—and wrought havoc generally. No records were kept of proceedings during his sway, and many of the records of earlier date were lost or destroyed.

Ingle's depredations appear to have been entirely impartial, for he did not spare even the plantation of Cornwaleys, to whose intervention he owed his own escape from justice the year before, and from whom he appears besides to have embezzled merchandise to the value of about £200, entrusted to him for sale. But then Cornwaleys was a Roman Catholic; and when he sought redress at law in England for the injuries done him, Ingle addressed a whining petition to the House of Lords in which he declared that he had only taken goods from wicked papists and malignants in Maryland, and represented that "it would be of a dangerous

example to permit papists and malignants to bring actions of trespass or otherwise against the well affected for fighting and standing for Parliament." [1]

Leonard Calvert promptly applied to Governor Berkeley, of Virginia, for assistance, and with a small force composed of recruits drawn from that colony, and of Marylanders who had sought refuge there, he recovered possession of St. Mary's and restored order to the Province. A general pardon was proclaimed to all insurgents who would take the oath of fidelity, with the exception of Claiborne, Ingle, and one Durford, who was an associate and accomplice of Ingle in the insurrection.

The authority of the Proprietary was thus for the time being restored, but Leonard Calvert, the Governor, did not live long to enjoy the fruits of his efforts, as he died in June, 1647, having first named Thomas Greene, one of the Council, as his successor. It was at the ensuing session of the Assembly, in January, 1648, that Mistress Margaret Brent made her famous demand for a seat in that body and a vote both in her own right and as attorney for Lord Baltimore.[2]

Meanwhile, events had marched with rapid strides in England. The battles of Marston Moor and Naseby had been fought, and the King of England was a prisoner in the hands of the Parliament. Recognizing the necessity under this condition of

1 *Md. Archives*: *Proc. of Council*, 1637-1667, p. 166.

2 *Md. Archives*: *Proc. of Assembly*, 1637/8-1664, p. 215.

affairs, of so ordering the government of the Province, if he were to retain possession of it, as to refute the charge which his untiring enemies, Claiborne and his associates, were continually bringing, that it was a hotbed of popery, Lord Baltimore, in 1648, appointed William Stone, a Protestant and friend of the Parliament, as Governor, in the room of Greene, and reorganized the Council so that one-half the members were Protestants. In order to preserve the principles of religious liberty, which he had maintained in the Province from its foundation, principles which had been faithfully observed during the governorship of his brother, Lord Baltimore embodied in the oath of office to be taken by the newly appointed Governor and the members of the Council a provision that they would molest or disturb no inhabitant of the Province on account of his religion. And in the following year the famous Act concerning Religion, generally referred to as the Maryland Act of Toleration, was, at the instance of Lord Baltimore, enacted by the Assembly. The importance of this Act, and the interest which has attached to it, make it worthy of a somewhat fuller examination than can be undertaken at this hour; its consideration will therefore be deferred until another afternoon.

Virginia was, as to religion, essentially under the influence of the Church of England; but in 1642, the number of Puritans in that Colony had become sufficiently large to lead to the sending thither from New

England of three ministers to take spiritual oversight of these settlers. In the following year the Virginia Assembly passed an act requiring all ministers to conform to the Church of England, and directing the Governor and Council to compel all non-conformists, upon notice, to leave the Province "with all conveniency." [1] Five years later two of the Puritan ministers were ordered to go, and they sought refuge in Maryland, where liberty of conscience was assured. They were cordially received by Governor Stone, and soon a large number of Puritans from Virginia followed, who established a settlement on the banks of the Severn, to which they gave the name of Providence. Glad as these immigrants were to avail of the freedom which Maryland offered, and to accept the established conditions of plantation, which were the same as those prescribed for all settlers, their restless spirits were not long content with such a tranquil condition as complete toleration afforded. As the laws did not disturb them, there seemed to be no course left to them but to disturb the laws. It seemed to them a wicked thing that Roman Catholics should enjoy the same liberty as was accorded to them, and in fact peace and quiet did not agree with them. First, they objected to taking the oath of fidelity required of all settlers, alleging scruples of conscience; but, as Dr. Browne remarks in his history

[1] Mereness, *Maryland as a Proprietary Province*, p. 21.

of George and Cecilius Calvert, "that seems an overniceness, since no scruple apparently intervened to prevent their breaking it when taken."[1] When called upon to select their delegates for the Assembly, they refused to do so, explaining afterwards that they anticipated a speedy overthrow of the Proprietary's authority. Their anticipations, partly through their own co-operation, proved prophetic.

King Charles I. had expiated his faults and his blunders upon the scaffold. Virginia, with enthusiastic loyalty, promptly proclaimed Charles II. King, and made it treason to utter anything against the House of Stuart, or in favor of a Puritan Parliament. Governor Stone having occasion to be absent from Maryland temporarily, designated as deputy during his absence, his own predecessor, Thomas Greene, who seized upon the moment of his brief authority to follow the example of Virginia and proclaim Charles II. with public rejoicings and a general pardon. Stone promptly returned and removed Greene from office; but the mischief had been done. Claiborne, the watchful and untiring enemy of Lord Baltimore, saw his opportunity. He had lately been an ardent royalist and President of the Council of Virginia; but no politician, ancient or modern, could change face quicker than he. He immediately espoused the side of Parliament, and secured the designation of himself as one of the com-

[1] *George and Cecilius Calvert, Barons Baltimore*, p. 139.

missioners appointed for the reduction of Virginia to submission. He wished the commission to read Virginia and Maryland, but upon Lord Baltimore's representation that the proclamation of Charles II. was made without either his authority or knowledge, it was agreed that Maryland should be omitted. Claiborne then, with characteristic duplicity, had the commission framed to apply to all the plantations within the bay of Chesapeake, relying successfully upon English ignorance of American geography. Maryland, therefore, while not mentioned by name, was included by geographical description.

Two of the commissioners appointed were lost at sea, so that the office devolved upon the survivors, Richard Bennett, one of the Puritans who had sought and found asylum under the liberal laws of Maryland; Edmund Curtis, who does not figure conspicuously in subsequent transactions; and William Claiborne himself, whose covetous eye was never removed from Kent Island, the possession of which he sought.

These commissioners, acting under the authority vested in them by the English Parliament, proceeded to remove the Governor and Council appointed by Lord Baltimore, and confided the government to a council composed of William Fuller, one of the settlers at Providence, and others, to be conducted in the name of the Keepers of the Liberty of England. Governor Stone and Thomas Hatton, the Secretary, were, however, reinstated upon con-

senting to accept appointments at the hands of the commissioners, though reserving and saving to themselves the oath taken to the Lord Proprietary until the pleasure of the State of England could be known. Writs for elections to a General Assembly were issued with the provision that no Roman Catholics should be eligible as delegates or permitted to vote. A new Act concerning religion was passed, expressly excluding from toleration any persons adhering to papacy or prelacy.

Meanwhile, Lord Baltimore was not idle in England. After Cromwell had dissolved the Parliament and caused himself to be declared Protector, the authority claimed by the commissioners expired, and Lord Baltimore directed Governor Stone to reassert the authority of the Proprietary. Stone gathered a force and marched upon Providence. Fuller assembled his forces and with the assistance of two armed merchantmen, then in port, defeated the force under command of Governor Stone, who surrendered upon promise of quarter. In spite of his promise, Fuller, immediately after the surrender, proceeded to hold a court-martial, and condemned Stone and nine others to death. In execution of the sentence four of the prisoners were murdered, and the lives of the remainder were saved only by the refusal of Fuller's own soldiers to be the instruments of his treachery, and by the intercession of some humane women. Stone, who was wounded, was cast into

prison, and the Puritan influence was for the time triumphant.

The claims of Lord Baltimore for restoration to his rights under his charter, were finally recognized in England, and a decision rendered in his favor. Meanwhile, Governor Stone being in prison, Lord Baltimore commissioned one Josias Fendall as his successor; and upon articles of agreement being entered into in England between Lord Baltimore and Richard Bennett, one of the commissioners, for the restoration of the Province to the Proprietary, the government was eventually, in 1658, surrendered to Fendall as his representative. The very same year Fendall proved traitor to his chief, and joined with the Assembly in a new effort to overthrow the authority of the Proprietary. Cromwell, who had finally proved the powerful supporter of the validity of Lord Baltimore's claims,—in spite of the efforts of the commissioners to have Maryland wiped off the face of the map, by the restoration of the boundaries of Virginia to what they were before the dissolution of the Virginia Company,—was no longer living. The title of Protector had passed to his son; but the power of the office had expired with its creator. In Maryland the delegates to the Assembly took the initiative in revolt by informing the Governor, Fendall, that they, the Assembly, claimed to be vested with the supreme authority in the Province. The latter responded that it was his

belief that the intent of the charter granted by Charles I. was to give the freemen full power to make laws without the assent of the Proprietary. How he reached this conclusion, when the charter expressly provided that the Proprietary should make the laws, with the assent of the freemen, it is difficult to imagine. At all events his logic served his own purpose, and he surrendered his commission as Governor appointed by Lord Baltimore, and accepted the same office at the hands of the Assembly. This rebellion was of brief duration. Charles II. acceded to the throne, Lord Baltimore appointed his youngest brother, Philip Calvert, Governor in the place of Fendall, and the latter's brief sway was terminated.

For the remaining fifteen years of Cecilius' lifetime the affairs of the Province were unmarked by any special disturbance. In 1661, shortly after the events just referred to, Lord Baltimore appointed his son and heir, Charles Calvert, Governor, with Philip Calvert as Secretary, and once more the Proprietary was brought into as close touch with the Province as he had been while the governorship was held by his brother, Leonard, who came out with the first settlers. Upon the death of Cecilius, Lord Baltimore, in 1675, Charles succeeded to his title and estates, and as Lord Proprietary continued for some years, with brief interruptions, to reside in the Province and exercise the government in person.

The proprietaryship of Cecilius extended over a period of more than forty years. During that time he expended large sums of money and impaired his private fortune in the development of his American Province, but did not live to reap the reward of his labors. From the beginning he was beset with difficulties, which continued almost to the end. He had to face the active and persistent hostility of Claiborne and those of the Virginia Company who held with him, and who missed no occasion for seeking his overthrow. He early had a conflict with the Jesuits, both in respect to land tenures and questions of jurisdiction. His authority was interrupted by the Ingle rebellion, and temporarily overthrown by the commissioners of Parliament and the Puritan party. Fendall, his own appointee, proved a traitor to his trust. But, throughout, Cecilius seems never to have lost courage, and under all circumstances he bore himself with wisdom, patience, forbearance and tact, and by these qualities he triumphed in the end. His own interests and his own authority he carefully guarded; but at the same time he as carefully sought the welfare of the Province and of the people who were in a sense his subjects; and when concessions seemed reasonably demanded he knew how and when to yield, and so exercised a much less autocratic power than was conferred by the terms of the charter from which his authority was derived.

Efforts have sometimes been made to belittle

the character of Cecilius, the first Proprietary of Maryland, and to ascribe his acts, even the wisest and the most liberal, to a narrow selfishness.

The assertion has been made that Cecilius lay under such suspicion that he was detained in England as a hostage for the good behavior of his representatives in America, as well as by the necessity, imposed by the terms of his charter, of personally presenting two Indian arrows annually at Windsor.[1]

As a matter of fact he remained in England solely for the purpose of watching and resisting the efforts that were being constantly made by interested persons to secure the annulment of his charter. He found, with regret, that he could best serve the interests of the colonists by remaining at home, and therefore sacrificed his inclination to take personal part in the planting of the colony. On one occasion, during the Commonwealth, Lord Baltimore, writing to refute charges of disloyalty brought against him by those who coveted the Province, and therefore sought to deprive him of it, referred to the fact that his estates and residence in England were security for him. But the reference was clearly to his landed estate, which would be subject to confiscation for treason, and not to any obligation as to his personal residence in the

[1] *Religion under the Barons of Baltimore*, by Revd. C. E. Smith, D. D., p. 121.

kingdom.[1] And it is true that upon one occasion when he was thought to be contemplating a voyage to America a writ *Ne exeat* was sued out to prevent his leaving the kingdom; but this grew out of private litigation and was absolutely without public or political significance.

The suggestion about the personal delivery of the arrows at Windsor is hardly worthy of comment. The immediate successor of Cecilius lived a number of years in Maryland, and two at least of his successors spent a good deal of time on the continent of Europe; but the regular delivery of arrows went on. The receipts for these arrows preserved among the Calvert papers in the possession of the Maryland Historical Society range in date from 1633 down to 1765.[2] They were signed by the Governor or Constable of Windsor Castle, or by some official as his representative, and generally recite that they were delivered by the hands of a servant or messenger. The receipts were signed in the name of the King, except that for several years, beginning with 1655, they were signed on behalf of the Lord Protector, and the one for the year 1660, just before the restoration of Charles II., in the name of Lord General Munck, (*sic*) for the Commonwealth of England. On one occasion only, and that was in 1661, does it appear that Cecilius

1 *Md. Archives*: *Proc. of Council*, 1636-1667, p. 280.
2 *Md. Hist. Soc., Coll. Calvert MSS., Docs.* 842-879.

presented them in person. On April 16th of that year, it appears from the form of receipt that he did personally deliver the arrows into the hands of the King himself, whose restoration to the throne had but recently occurred.

Historians of the highest rank, who have studied the acts and character of Cecilius, have expressed their conclusions invariably in terms of praise.

McMahon wrote: "The character of Cecilius, the founder of Maryland, has come down to us, identified in his acts, and in the language of historians, with religious liberty and respect for the rights of the people." "Never" (said Dr. Ramsay) "did a people enjoy more happiness than the people of Maryland under Cecilius, the father of the Province." And on his tombstone (said the careful annalist Chalmers) ought to be engraven, "That while fanaticism deluged the empire, he refused his assent to the repeal of a law, which in the true spirit of Christianity, gave liberty of conscience to all." [1]

Fiske's conclusion was that "There is no doubt as to the lofty personal qualities of the second Lord Baltimore, his courage and sagacity, his disinterested public spirit, his devotion to the noble ideal which he had inherited." [2]

Dr. Wm. Hand Browne writes: "Every engine had been brought to bear against him: fraud, mis-

[1] *Historical View of the Govt. of Md.*, p. 221.
[2] *Old Virginia and her Neighbors*, Vol. II, p. 150.

representation, religious animosities, and force; and each for a time had succeeded. He owed his triumph to neither violence, fraud nor intrigue, but to the justice of his cause, and his wisdom, constancy and patience." [1]

Such testimony, uniformly borne by all who have studied the subject impartially and written upon it in the judicial spirit of historical investigation, may be accepted as conclusive evidence of the high character of Cecilius Calvert, second Lord Baltimore and first Proprietary of Maryland.

The subject of religious toleration in Maryland, with which his name is closely identified, will be considered in the next lecture.

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[1] *Maryland; the History of a Palatinate,* p. 88.

LECTURE III.

Religious Toleration in Maryland.

THERE is probably no one piece of legislation, enacted during the colonial period of this country, that has given rise to so much controversy as to its merits as the Act concerning Religion, passed by the Assembly of Maryland, on April 21, 1649. It has been described by the distinguished jurist and historian McMahon, as "one of the proudest memorials of our colonial history;" [1] and many others have written of it in similar terms. On the other hand there have been those to decry it—and a recent writer has gone so far as to denounce this same Act as "really a most disgraceful piece of intolerance," and to impugn the motives of all that were concerned in its enactment.[2] With views so divergent, or rather contradictory, held and expressed in relation to this Act, it is worth while to consider somewhat carefully its actual provisions and the circumstances under which it became a law.

That there should be liberty of conscience and freedom in the exercise of religion, had been the

[1] *Historical View of the Govt. of Md.*, p. 227.

[2] Smith, *Religion under the Barons of Baltimore*, p. 319.

settled policy of Lord Baltimore from the foundation of the colony. We have seen how, in the instructions given to the first colonists upon setting sail, it was specially enjoined that the Governor and commissioners were to be very careful to preserve unity and peace amongst all the passengers, that no offence be given to any of the Protestants, and that Roman Catholics were to be instructed to be silent upon all occasions of discourse concerning matters of religion. This rule of conduct was strictly observed in the colony before any Act concerning religion was passed. During the early years of the Province, the government, except when temporarily overthrown by the rebellion of Claiborne and Ingle, was in the control of the Proprietary. The lower house of Assembly soon became a popular representative body, and a large majority of the freemen were at an early date Protestants; but the Governor and Council who constituted the upper house were appointees of the Proprietary. He sought to select those upon whom he could depend to guard his interests and carry out his policy, and the first Governor, who was the Proprietary's brother, as well as a majority of the Council, were Roman Catholics.

Soon after the founding of the Province a proclamation was issued prohibiting disputes tending to cause factions in religion. No record of this proclamation has been discovered, but it is referred to and quoted in a case which arose in 1638.

It is worthy of note, that the records show but two cases of violation of the Proprietary's instructions, by which this subject appears to have been governed prior to the passage of the law of 1649; and in both cases the offenders were Roman Catholics who were arraigned and promptly punished for molesting Protestants upon religious matters. The first was the one just referred to, in 1638. One William Lewis, a Roman Catholic in the employment of Thomas Cornwaleys, came into a room in which two servants of his master who were lodged with him, were reading aloud a book of sermons by a Protestant minister. Lewis denounced the author, Protestant ministers in general, and forbade the men to read such books in his house. For this he was tried before the Governor, Secretary Lewger and Thomas Cornwaleys, all Roman Catholics, condemned, and sentenced to pay a fine of 500 lbs. of tobacco and required to give security for his future good behavior.[1]

The second case arose in 1642, when Thomas Gerrard, also a Roman Catholic, carried off some books and the key from a chapel at St. Mary's under claim of some property rights therein. The Protestants, who apparently worshipped in the chapel, appealed to the Assembly for redress. That body ordered the return of the articles removed, the relinquishment by Gerrard of all claim to the

[1] *Md. Archives: Provincial Court*, 1637-1650, p. 38.

chapel, and imposed upon him a fine of 500 lbs. of tobacco to be applied toward the support of the first Protestant minister who should come to the Province.[1]

It is clear therefore that the principle of religious toleration prescribed by Lord Baltimore was fully recognized, and was enforced, before the enactment in the Province of any statute upon the subject.

When, upon the overthrow of the royal power in England and the triumph of a Puritan Parliament, Lord Baltimore recognized the necessity of reorganizing the government of the Province by the appointment of a Protestant Governor, he required that Governor to see that the same liberty of conscience should be secured to the Roman Catholics as his predecessors had accorded to the Protestants. He therefore introduced into the oath of office[2] to be taken by him a special provision that he would not himself or by any person, directly or indirectly, trouble, molest or discountenance any person whatsoever in the Province professing to believe in Jesus Christ, and in particular no Roman Catholic, for or in respect of his or her religion, nor in his or her free exercise thereof within the said Province so as they be not unfaithful to his Lordship or molest or conspire against the civil government established here under him; nor would he make any difference of persons in conferring

[1] *Md. Archives*: *Proc. of Assembly*, 1637/8-1664, p. 119.
[2] *Md. Archives*: *Proc. of Council*, 1636-1667, p. 210.

of offices, rewards or favors in respect of their religion, but merely as he should find them faithful and well deserving. The Governor was further sworn that if any officer or other person should, during the time of his being Governor, without his consent or privity, molest or disturb any person within the Province professing to believe in Jesus Christ, merely for or in respect of his or her religion or the free exercise thereof he would upon notice or complaint use his power and authority to relieve and protect any person so molested or troubled so that they should have right done them, and to the utmost of his power would cause any such disturbers to be punished.

Together with the commission to the new Governor and the form of oath prescribed for him, Lord Baltimore transmitted to the Governor and Council a body of sixteen laws to each of which he affixed his hand and seal in advance, with instructions that if the whole were assented to by the General Assembly without alteration or amendment, they should be considered as enacted, and in that event all previous laws should be held as repealed, excepting any acts of attainder or condemnation against Claiborne.

These sixteen laws were evidently to constitute a complete code for the colony. In his commission accompanying them, Lord Baltimore stated that they "were proposed unto us for the good and quiet settlement of our colony and people in our said

Province, and we finding them very fit to be enacted as laws there, do hereby consent" [1] for them to be presented to the Assembly.

When these laws were proposed to the Assembly all was not smooth sailing. Instead of assenting without alteration or amendment to the sixteen laws submitted to them, the Assembly at a session held in April, 1649, adopted twelve laws and ordinances of which a portion only were of the number of those proposed by the Proprietary; and apparently these did not escape amendment. Some of the laws passed related to hogs, the marking of cattle and planting of corn, subjects which though important matters of regulation in an agricultural community, would hardly have been dealt with in what was evidently intended to form a code or fundamental body of laws for the government of the Province. There is, besides, internal evidence of a difference in authorship, as some of the laws passed at this session were manifestly drawn by much less scholarly hands than were engaged in framing those which both from substance and form may reasonably be ascribed to the number prepared for and sent out by Lord Baltimore.

Of the laws passed by this Assembly, the first one was the now famous Act concerning Religion.[2] That this Act was substantially in accord with a law proposed by Lord Baltimore is evident; but the late

[1] *Md. Archives*: *Proc. of Council*, 1636-1667, p. 220.
[2] *Md. Archives*: *Proc. of Assembly*, 1637/8-1664, p. 244.

Mr. Fiske was apparently in error when he wrote [1] that it "was drawn up by Cecilius himself and passed the Assembly exactly as it came from him without amendment." That it was prepared by his order and his direction is certain; but the laws which he submitted were described as having been proposed to, and approved by him. The determination of their form had evidently been entrusted to some one learned in the law and familiar with legal phraseology and forms.

What debate occurred in the Assembly in relation to the draft of laws sent over, we do not know. The session lasted from April 2nd to April 21st, but the record of the last day's proceedings only has been preserved. Possibly some of those who took part in the discussions had reason to wish that the records should not be preserved, and their wishes were respected.

The attitude of the Assembly is however fully shown in a letter [2] addressed by that body to Lord Baltimore explanatory of their action. It is plain that some portions of the laws were regarded with suspicion by the delegates. In view of the drift of events in England, Lord Baltimore had sought to secure from the Assembly a formal recognition and acknowledgment of the absolute authority and royal rights and prerogatives which had been conferred upon him by his charter from the King, who was

[1] *Old Virginia and her Neighbors*, Vol. I, p. 309.

[2] *Md. Archives: Proc. of Assembly*, 1637/8-1664, p. 238.

a captive in the hands of his subjects at the time these laws were prepared, and had been put to death before the action of the Maryland Assembly. In fact it is evident from Lord Baltimore's letter of August 6th, 1650, addressed to the Governor and Assembly, that the recognition of his title as "Lord Proprietary" was one of the stumbling blocks, some suspecting, or pretending to suspect, that the acknowledgment of his rights as "Proprietary" might impair the title to lands already granted.[1] The spirit of democracy was already awakened and there was no disposition to confirm such ample powers as were granted by the royal charter.

The delegates pleaded their inability from alleged illiteracy and slowness of understanding to give a mature and wise discussion of such a body of laws as was now proposed, and protested that though they had with much solicitude and earnest endeavor, according to their weak understanding, read over, perused and debated upon all the said body of laws, in real desire for compliance in receiving them as laws, they had found them so long and tedious, with so many branches and clauses as to require a much more serious and longer discussion of them than could then be given. As it was a condition imposed that the laws should be enacted as a whole without amendment, they had thought it "most prudential" not to meddle at all with

[1] *Md. Archives: Proc. of Assembly,* 1637/8-1664, p. 316.

them as a body, but to take action only upon such matters as they conceived his Lordship to hold most urgent; the first of which they understood to be that the country be preserved with peace, and defended and governed with justice. To that end they had selected out of all his Lordship's laws such as seemed to them most conducing to confirm a long desired and settled peace among them, and had added such others of their own, as they conceived to be most necessary. The delegates clearly wished to have a finger in the drafting of laws, and did not want any more sent out cut and dried, signed and sealed in advance; for they included in their letter a request to his Lordship thereafter to send them no more such bodies of laws, which, as they said, "serve to little other end than to fill our heads with suspicions, jealousies and dislikes of that which verily we understand not. Rather we shall desire your Lordship to send some short heads of what is desired and then we do assure your Lordship of a most forward willingness in us to give your Governor all just satisfaction that can be thought reasonable by us." The charter of Maryland provided that laws were to be enacted by the Proprietary with the assent of the freemen. The Assembly proposed to reverse this order of procedure and finally succeeded in doing so.

In the Act concerning Religion, as adopted, it was declared in the preamble that in a Christian commonwealth matters concerning religion and the

honor of God ought in the first place to be taken into serious consideration and settled.

The Act then proceeded to provide that whoever should blaspheme God, deny that the Saviour Jesus Christ was the Son of God, or deny the divinity of either person of the Holy Trinity, should be punished with death and confiscation of lands and goods; that reproachful words concerning the Blessed Virgin Mary or any of the Apostles or Evangelists, should be punished by fine, and in default thereof by whipping and imprisonment. with increased punishment for a second offence, and banishment and forfeiture for a third; that the using of reproachful names towards any person, whether inhabitants, or persons trading in the Province, on account of religion, such as calling one a heretic, schismatic, idolator, Puritan, Presbyterian, popish priest, Jesuit, papist, Lutheran, Calvinist, etc., or any other name or term relating to religion in a reproachful manner should be punished by fine, and in default thereof by whipping and imprisonment until the offender should ask forgiveness publicly of the person aggrieved; that profaning the Sabbath or Lord's Day, called Sunday, by frequent swearing, drunkenness, or uncivil or disorderly recreation, or by labor, except in case of necessity, should be punished by fine, increasing in amount with repetition of the offence; and in default of fine, by imprisonment for the first and second offences, until acknowledgment of the

fault before a magistrate, with whipping for each subsequent offence.

The Act then continued with a second preamble, and recited that "Whereas the enforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those commonwealths in which it hath been practised, and for the more quiet and peaceable government of this Province, and the better to preserve mutual love and amity amongst the inhabitants thereof," it was further enacted by the Lord Proprietary with the advice and consent of the Assembly, that no person or persons whatsoever within the Province, professing to believe in Jesus Christ, should from henceforth be any ways troubled, molested or discountenanced, for or in respect of his or her religion, nor in the free exercise thereof within this Province or the Islands thereunto belonging, nor any way compelled to the belief or exercise of any other religion against his or her consent so as they be not unfaithful to the Lord Proprietary, or molest or conspire against the civil government. Punishment was provided for violations of this provision by fine, and damages to the person wronged.

The construction of this Act with its two preambles, the second one occurring in the body of the law, suggests the possibility that it was framed from two proposed Acts. The phraseology in the second division, in which the principle of religious liberty is clearly enounced, is identical in part with

the oath prescribed by Lord Baltimore to be taken by the newly appointed Governor.

The earlier portion of the Act in which the punishment of death was provided for any one who should deny the divinity of either person of the Holy Trinity, can hardly be considered an ideal establishment of religious liberty as that subject is viewed at the present day. But it is in the light of the seventeenth century and not that of the twentieth that the measure must be judged. There is moreover no evidence that there were any settlers then in the colony to whom this penalty would apply, and it is very certain that this clause of the law was never at any time invoked against any person.

The provision prohibiting the use of terms denoting religious beliefs or affiliations, as terms of reproach and opprobrium, indicated a wise appreciation of the importance of avoiding the most likely causes of ill-feeling, which might quickly develop into quarrels and strife.

The form of the provision in respect to the profanation of the Sabbath, or Lord's Day, called Sunday, suggests that it was the subject of amendment by the Puritan freemen, if the entire clause were not inserted by the Assembly. It is extremely unlikely that Lord Baltimore, or his counsellors, would have used the word Sabbath as synonymous with the Lord's Day or Sunday. The designation of Sunday as the Sabbath was adopted by the

Puritans with their fondness for Hebrew names and nomenclature, and such use gradually became more general. But at the time of this Act the word Sabbath was still very generally, and properly, applied to the seventh day of the week. Father White, in the Latin version of his narrative of the *Voyage to Maryland*, speaks of certain events as occurring on the Sabbath (*Sabbatum*), and refers to the next day as the Lord's Day (*Dominica*).[1] And in the proceedings of the Maryland Assembly itself, one year later than the date of this Act, we find in one place the journal of the House dated on the Sabbath, April 6th, 1650, while the proceedings two days after are dated Monday, the 8th, showing that the older use of the word Sabbath as a name for the last day of the week had not become obsolete.

A comparison of the different features of this Act leads almost irresistibly to the conclusion that in its form it was the result of a compromise between somewhat divergent views upon the subject of toleration; but the last portion, in which the principle of religious liberty is broadly proclaimed and secured, and the dangerous consequences to the welfare of commonwealths of a contrary practice are clearly recognized, plainly appears, from the identity of language with that prescribed for the form of oath for the Governor, which accompanied the

[1] *Md. Hist. Soc., Relatio Itineris in Marylandiam*, pp. 12, 13. Cf. *Calvert Papers*, No. 3, p. 27.

body of laws sent out by the Proprietary, to have been a part at least of the draft prescribed by Lord Baltimore. In the letter of the Assembly already quoted, It was stated that they recognized that one of the first desires of the Proprietary was that the country might be preserved in peace. This was the first Act passed at that session, and its avowed purpose was the promotion of love and amity among the inhabitants.

Although displeased that the body of laws which had been prepared with much care did not receive the assent of the freemen, Lord Baltimore, with that well balanced wisdom which he manifested in all the various difficulties which he encountered, concluded to accept the Act in the form in which it had been passed, and on August 6th, 1650, confirmed this Act, among others, by an instrument under his hand and seal. That it was not passed in its original form is clearly indicated in Lord Baltimore's letter to the Governor and Assembly dated August 26th, 1651, in which he refers to the fact that he had assented to the laws which were passed, with such alterations as they themselves desired.[1]

When we compare the scope and purpose of this Act with the contemporary views upon the subject of religious differences, not only in England but in the American colonies, and the intolerance practised

[1] *Md. Archives*: *Proc. of Assembly*, 1637/8-1664, pp. 322, 327.

in the other colonies, we can recognize how greatly Lord Baltimore, in causing freedom of religious belief to be established by law in Maryland, was in advance of his age.

At this period religious affiliation and political faction were closely identified, and the animosities resulting from religious and political differences were consequently greatly intensified. Men were, or professed to be, ardent adherents to this or that religious faith, however little by their lives and conversation they might be such as to adorn or do credit to any religion; and those who differed from them upon questions of theology or ecclesiastical polity, were regarded as enemies to society.

In New England men like John Winthrop and John Cotton, neither of whom, as Mr. Fiske remarks, had the temperament which persecutes, believed in the principle of persecution. Cotton admitted that it was wicked for falsehood to persecute truth, but declared it to be the sacred duty of truth to persecute falsehood.[1] Such naive expressions from one as learned and logical as Cotton really was, call to memory Pilate's cynical query, "What is truth?"

In Massachusetts worship according to the forms and usage of the Church of England was prohibited, and later, laws were passed banishing Quakers from the colony, with punishments prescribed for return-

[1] Fiske, *The Beginnings of New England* (1889), p. 178.

ing: for the first offence flogging and imprisonment at hard labor; for the second offence the ears were to be cut off; and for a third the tongue was to be bored with a hot iron. At length, in 1658, capital punishment was decreed, and in October, 1659, members of that society were actually hanged on Boston Common for persisting in returning to the colony. The bodies of the victims were denied Christian burial and cast, uncovered, into a pit.[1] Such was the narrow interpretation placed in the seventeenth century upon the glorious words adopted as the motto of this University: *Veritas vos liberabit*—"The truth shall make you free."

In Virginia, on the other hand, where the Church of England was dominant, scant hospitality was extended to Puritans. In 1643 an Act was passed requiring all ministers residing in that colony to be conformed to the orders and constitution of the Church of England, and making it the duty of the Governor and Council to take care that all non-conformists be compelled to depart the colony with all convenience. The New England pastors of Puritan congregations were banished from the colony and their flocks harassed—a policy which led large numbers of dissenters to abandon their homes in Virginia and seek refuge in Maryland, where, under the benign sway of Lord Baltimore, it was a punishable offence to "disturb or molest"

[1] Fiske, *The Beginnings of New England* (1889), p. 189.

them on account of religious belief, or even to call them "Calvinists" in a reproachful manner.

It is with conditions such as these prevailing to the north and to the south, that we have to compare the religious toleration in Maryland.

That Lord Baltimore was the inventor of the idea of toleration is not claimed. Roger Williams had proclaimed it in Rhode Island before the Maryland Act of Toleration was passed, but not before its policy had been established in this colony.

On the 27th of October, 1645, an order had been passed by the House of Commons, upon petition of the inhabitants of the Summer Islands (the Bermudas), that the inhabitants of these islands and such as should join themselves to them, should, without molestation or trouble, have and enjoy liberty of conscience in matters of God's worship; but this order does not seem to have gone any further, and without adoption by the House of Lords it could not have had any binding effect in law.[1]

Mr. Gladstone, in the preface to his book entitled *Rome and the Newest Fashions in Religion* wrote that the (Maryland) Colonial Act seems to have been an echo of this order of the House of Commons in respect to the inhabitants of the Summer Islands, and of a British Ordinance of 1647.

His conclusion is, that "the picture of Maryland legislation is a gratifying one; but the historic

[1] Johnson; *The Foundation of Maryland and the Origin of the Act concerning Religion. Md. Hist. Soc.*, 1883, p. 126, note.

theory which assigns the credit of it to the Roman Catholic Church has little foundation in fact."

It is not necessary to assign the credit of this Act to the Roman Catholic Church, or to any other religious body, or to the Protestant majority in the Maryland Assembly. The simple fact of history is that the Act was passed at the instance, or rather upon the insistence, of Lord Baltimore himself; and he was, at the time of its passage, a Roman Catholic. It does not appear to have been passed in the exact form which he desired, and fell short of assuring the broad liberty upon religious matters which was expressed in the language of the oath prescribed for the Governor, which we know can be attributed to Lord Baltimore, and a part of which was embodied in the Act. The credit for establishing the policy of religious toleration in Maryland, and the chief credit for the passage of the Act, are simply due to one man, the broad-minded Proprietary, and not to any religious body.

As to Mr. Gladstone's comment, it has already been observed, that the order of the House of Commons in respect to the Summer Islands, which was adopted at the instance of the Reverend Patrick Copland, a clergyman of the Church of England, never passed beyond that body and consequently never had the force of law. The ordinance of 1647 which he referred to, embodied certain conditions to be offered to Roman Catholics if they desired to enjoy general liberty of conscience. Its

provisions were to extend only to native subjects, and by it Roman Catholics were to be prohibited from bearing arms, from holding office or from the exercise of their religion otherwise than privately in their own houses. It was an overture made by the Independents, apparently to secure the co-operation of the Roman Catholics in making common cause with them against the Presbyterians: but when, shortly after, the Independents obtained control of Parliament and felt no longer in need of allies, the matter was dropped.[1]

Mr. Gladstone described the Maryland Act as "an echo" of these two ordinances, neither of which ever acquired legal force so far as the records show. They were projects, while the Maryland Act was a formal fact. It gave no uncertain sound, and was not an echo. It was the substance and the others were the shadows, even though like those of coming events, they were projected before.

It is well known that the Reverend Father Henry More, Provincial of the Society of Jesus in England, was the friend and adviser of Lord Baltimore, and that in the controversy between the latter and the Jesuit missionaries in Maryland, Father More took sides with Lord Baltimore, and compelled his own subordinates to recede from the position which they had assumed in relation to the acquisition of lands by gift from the Indians, irrespective of the title of

[1] Johnson: *The Foundation of Maryland, &c. Md. Hist. Soc., Fund Pub.* No. 18, p. 108 et seq.

the Lord Proprietary derived under his charter from the King of England, and in their effort to assert the supremacy of the canon law in respect to ecclesiastical persons. Father More was not unfamiliar with the principles of religious liberty; and the probability that he was the adviser of Lord Baltimore in preparing his draft of laws for the Province, has been ably argued by General Bradley T. Johnson in *The Foundation of Maryland,* published by the Maryland Historical Society in 1883. His great grandfather, Sir Thomas More, Lord High Chancellor of England, who more than a century before had paid with his life's blood for his unswerving adherence to principle, beheld a vision afar off of a place, an island which he called "Nowhere," in which absolute freedom of religious belief prevailed.

In this mythical region, of which the very name indicated that it was without location, it was declared to be "one of the ancientest laws among them, that no man shall be blamed for reasoning in the maintenance of his own religion. For King Utopus, even at the first beginning, hearing that the inhabitants of the land were before his coming thither, at continual dissension and strife among themselves for their religions. . . . First of all he made a decree that it should be lawful for every man to favor and follow what religion he would, and that he might do the best he could to bring others to his opinion, so that

he did it peaceably, gently, quietly and soberly, without hasty and contentious rebuking and inveighing against other. . . .

"This law did King Utopus make not only for the maintenance of peace which he saw through continual contention and mutual hatred utterly extinguished; but also because he thought the decree would make for the furtherance of religion." [1]

In this Utopian dream of perfect religious liberty, and the avoidance of religious contention, we seem to hear the ring of that statute passed in Maryland in which the use of religious designations as terms of reproach was forbidden, and in the latter part of which,—the part that plainly emanated from Lord Baltimore,—the purpose was declared to be the promotion of love and amity among the people.

Sir Thomas More saw the vision of such a blessed state of affairs in an island—Nowhere. A century later it became an accomplished fact in Maryland, and the principles of the decree of King Utopus were enacted into law and entered upon the statute book of the Province.

Bancroft, the historian, makes this comment:—"Thus did the star of religious freedom harbinger the day; though as it first gleamed above the horizon, its light was colored and obscured by the mists and exhalations of the morning." [2] And in another

[1] *Utopia*, Book 2.

[2] *History of the United States*, Vol. I., p. 68.

place he says:—"The administration of Maryland was marked by conciliation and humanity. To foster industry, to promote union, to cherish religious peace,—these were the honest purposes of Lord Baltimore during his long supremacy." [1]

As to the motives which actuated Cecilius, Lord Baltimore, in adopting the principle of religious liberty in the government of his Province, we have an explanation in the answer of his son and successor, Charles, to certain enquiries about Maryland addressed to him by the Lords of the Committee of Trade and Plantations. This answer was made in March, 1678—three years only after the death of Cecilius. It was in reply to queries as to the number of clergymen of the Church of England then in Maryland, and for an account of all the Protestant families there, and the feasibility of gathering them into congregations, with an account of the dissenters from the Church of England, and the number of ministers they had; and in general, an account of the number of planters in Maryland, of what persuasion they were in matters of religion, and the number of each persuasion respectively. In fact it was a religious census that was asked for.

To this Charles, Lord Baltimore, replied that the making of such scrutinies would certainly either endanger insurrections or a general dispeopling of

[1] *Ibid.*, p. 438.

the Province, which was at present in great peace and quiet, all persons there being secured, to their content, for a quiet enjoyment of everything that they could reasonably desire. The reason why such scrutinies would be thus dangerous he stated as follows: "At the first planting of this Province by my father albeit he had an absolute liberty given to him and his heirs to carry thither any persons out of any of the dominions that belonged to the Crown of England who should be found willing to go thither, yet when he came to make use of this liberty, he found very few who were inclined to go and seat themselves in those parts, but such as for some reason or other could not live with ease in other places; and of these a great part were such as could not conform in all particulars to the several laws of England relating to religion. Many there were of this sort of people who declared their willingness to go and plant themselves in this Province so they might have a general toleration settled there by a law by which all sorts who professed Christianity in general might be at liberty to worship God in such manner as was most agreeable with their respective judgments and consciences, without being subject to any penalties whatsoever for their so doing, provided the civil peace were preserved; and that for the securing the civil peace and preventing all heats and feuds which were generally observed to happen amongst such as differ in opinions, upon

occasion of reproachful nicknames and reflecting upon each others opinions, it might by the same law be made penal to give any offence in that kind. These were the conditions proposed by such as were willing to go and be the first planters of this Province, and without complying with these conditions in all probability this Province had never been planted. To these conditions my father agreed, and accordingly soon after the first planting of this Province these conditions by the unanimous consent of all who were concerned were passed into a law; and the inhabitants of this Province have found such effects from this law and from the strict observance of it, as well in relation to their quiet, as in relation to the further peopling of this Province, that they look upon it as that whereon alone depends the preservation of their peace, their properties and their liberties. This being the true state of the case of this Province, it is easy to judge what consequences might ensue upon any scrutinies which should be made in order to the satisfying these particular enquiries." [1]

The writer of this letter, Charles, Lord Baltimore, was the son and heir of Cecilius, who had died in 1675. During the last fourteen years of his father's life he had held from him the office of Governor of Maryland and resided in the Province. No one knew better than he his father's views and aims, or was more familiar with the conditions existing in Maryland.

[1] *Md. Archives*: *Proc. of Council*, 1667-1687/8, pp. 267, 268.

In this plain statement of the circumstances which led to the establishment of religious toleration in Maryland we do not find Cecilius represented as having been influenced solely by a lofty perception of the eternal justice of permitting liberty of conscience, and neither do we find him described as a religious enthusiast leading a band of his co-religionists into the wilderness of the new world for conscience sake. But we do find that when he offered to those who had been harassed and harried by the enforcement of laws which made the observance of certain forms of religious worship a punishable offence, an opportunity of migration, and they demanded assurances that they would not be confronted in the new world with similar oppressions, he recognized, in a spirit of broad liberality, the reasonableness of the demand, and perceiving that in asking liberty, they must, in obedience to a law long before promulgated, but often forgotten, do as they would be done by, he adopted the principle, already known in theory but not in practice, of absolute freedom of conscience for all who professed and called themselves Christians. We see in this the act, not of an apostle of truth, or of one who stood as the exponent of a principle hitherto unthought of, but rather that of a man who was governed by a broad spirit of fairness and liberality, by a far-sighted statesmanship, and who, as the record of his life and his dealings with his Province amply show, having accepted and adopted a principle far

in advance of the spirit of his age, adhered to it unswervingly, enforced it impartially, and, as his son testified, secured thereby to the inhabitants of the Province, over the destinies of which he was the arbiter, such effects that they regarded its preservation, that upon which "their peace, their properties and their liberties" depended.

It is to be added that the principle of religious liberty adopted by the first Proprietary of Maryland was essentially adhered to by his heirs and successors in title, even by those of them who in subsequent generations lacked both the ability and the virtues of their progenitor. In after years we find attempts at its infringement more than once resisted by those whose dealings with the colony in other respects fell far short of the standard set by its founder.

It is true that at one time there were certain orders of Council adopted which bore hardly upon the Quakers; but these had no reference whatever to religious questions. The facts were simply these. The law required that every settler should take an oath of fidelity to the Lord Proprietary and of allegiance to the King. It further required, as was natural in a frontier settlement, that every man capable of bearing arms should be enrolled in the militia, and be provided with arms and ammunition. The Quakers refused to take the oath, or enter into other engagement of fidelity, alleging conscientious scruples, and also refused to bear arms,—leaving the defence of the colony to

others. They were besides accused of trying to dissuade others from bearing arms. As allegiance to the government, and preparation for defence were deemed essential qualities in good citizens, it was not unnatural that the government resented the attitude of the Quakers. The objection was not to their religious views, but to their demeanor as subjects. However orderly the lives and behavior of these peaceable people might be, they deliberately defied laws the observance of which was deemed most important; and for this reason alone were regarded with disfavor. An order was adopted requiring that they should either comply with the law or depart from the Province. If any one having been thus banished should return he was to be whipped from constable to constable until he was again out of the Province. This order of Council was not a statute of the Province, and it was continued in force for little more than a year: it was during Fendall's brief administration. In the only case of record in which an attempt was made to enforce the prescribed penalty, the accused ingeniously and successfully pleaded that as he was within the Province when the order was adopted and had remained there in spite of it, he should not be punished for *returning*.[1] As a matter of fact Quakers settled in the Province in large numbers, were unmolested, and prospered.

[1] *Md. Archives: Proc. of Council*, 1636-1667, pp. 362, 364.

What was the temper of the freemen of the Province upon the subject of religious liberty, when once the firm hand of the Lord Proprietary was removed, is shown by an Act of the Assembly adopted in 1654, when the authority of Lord Baltimore had been temporarily overthrown, and dominion over the Province was exercised by William Fuller and others, commissioners under the Commonwealth which had been established in England. At this Assembly another Act concerning religion was passed. Its principal provision was "that none who profess and exercise the popish religion, commonly known by the name of the Roman Catholic religion, can be protected in this Province by the laws of England formerly established and yet unrepealed, nor by the Government of the Commonwealth of England, Scotland and Ireland, and the Dominions thereunto belonging, published by his Highness the Lord Protector, but are to be restrained from the exercise thereof; therefore all and every person or persons concerned in the law aforesaid are required to take notice."

Then follows this delicious parody upon the law providing for religious toleration adopted five years before:

"Such as profess faith in God by Jesus Christ, though differing in judgment from the doctrine, worship and discipline publicly held forth, shall not be restrained from, but shall be protected in the profession of the faith and exercise of their

religion, so they abuse not this liberty to the injury of others or the disturbance of the public peace on their part; *provided* that this liberty be not extended to *popery* or *prelacy* nor to such as under the profession of Christ hold forth and practise licentiousness." [1]

This was religious liberty as the Puritans understood it. There should be abundance of liberty; but Roman Catholics and Episcopalians should have no part in it. By the same Assembly the former Act concerning Religion was repealed.

When, in 1658, the government of the Province was restored to the Lord Proprietary, the Acts which had been passed by the Assembly since the overthrow of his authority, and to none of which his assent had been given, were treated as nullities: and so the old law of 1649 revived. And eighteen years later, at an Assembly held in 1676, the first one after the death of Cecilius, in order to clear up the records and give certainty as to what laws were in force in the Province, an Act was passed enumerating all previous laws which had been repealed, as well as all laws which remained in force. Among the latter is found the Act of 1649 concerning Religion. The Act of 1654 is not mentioned in either category. It was recognized only during the sway of the commissioners of Parliament.[2]

[1] *Md. Archives: Proc. of Assembly*, 1637/8-1664, p. 340.
[2] *Md. Archives: Proc. of Assembly*, 1666-1676, p. 548.

Although somewhat anticipating the march of events, it may not be out of place to note what was the course of subsequent legislation in Maryland concerning religion. When upon the accession of William and Mary the authority of the Proprietary was again overthrown, and the rule of the Province placed in the hands of a Governor appointed by the Crown, legislation soon followed, prescribing, for the first time in Maryland, an established Church. In 1692 an Act for the service of Almighty God and the establishment of the Protestant religion was passed. It provided for the establishment of the Church of England; for the proper observance of the Lord's Day or Sunday (which in this Act is not designated as the Sabbath);[1] prohibited the sale of strong liquors on the Lord's Day, and then proceeded to provide for the division of counties into parishes, the choice of vestrymen and the building of churches or chapels. Last but not least a yearly tax of forty pounds of tobacco per poll was levied upon all the taxables of the parish, and the vestries were especially empowered to accept any gifts or bequests whether of money, goods, chattels, lands or tenements, whether for the use of the minister or of the poor; any law, statute or usage to the contrary notwithstanding.[2]

It seemed to be difficult to get this legislation

[1] As to use of the word Sabbath, see p. 78, *supra*.

[2] *Md. Archives*: *Proc. of Assembly*, 1684-1692, p. 425. *Cf.* conditions of plantation quoted on p. 48, *supra*.

into an acceptable form; the Act was amended in 1695, and in 1696 an entirely new Act was passed by which the Acts of 1692 and 1695 were repealed, but with their principal provisions re-enacted in greater detail. The new law which was also entitled "An Act for the Service of Almighty God and the Establishment of the Protestant Religion within this Province," contained two curious features. It provided that the Book of Common Prayer of the Church of England should be used in every church or other place of public worship within the Province; and that his Majesty's subjects of this Province should enjoy all their rights and liberties according to the laws and statutes of the Kingdom of England in all matters and causes where the laws of this Province were silent.[1] The first of these provisions naturally aroused the active opposition of the Roman Catholics, Quakers, and dissenters from the Church of England of every name: and the second was in point of law fatal to the Act, as it contained matter irrelevant to its purpose as set forth in the title. This Act therefore came to nought. In 1702, still another Act was passed of similar scope, but under the guiding hand of the Reverend Thomas Bray, who had been appointed Commissary of the Bishop of London, most of the blunders of the former Acts were avoided. By it toleration was given to Quakers and other Protestant

[1] *Md. Archives: Proc. of Assembly*, 1693 1697, p. 426.

dissenters. This law with the exception of some minor amendments remained the law of the Province until the Revolution.[1] Its revenue feature, the tax of forty pounds of tobacco per poll upon all taxables for the support of a clergyman, and a Church, whether they were attached thereto or not, was a constant source of irritation and discontent. And the lives of numbers of the clergy inducted into livings or benefices in the Province were far from being such as to commend either them, their office, or their teaching.

Religious toleration, though not to the mind of all the inhabitants, had become so deeply implanted in the policy of the Province, that, as a result of the wise action of its first Proprietary, and also as a result of the more liberal spirit of the eighteenth century, as compared with that of the seventeenth, it continued to prevail, in the sense at least of absence of persecution, though the guaranties of the law of 1702 in this respect fell far short of those contained in the Act of 1649 which it superseded. During the sway of the royal governors, the statutes of England in restriction of the open exercise of the Roman Catholic religion were deemed to be in force in Maryland, and certain disabilities were consequently imposed. Lawyers of that faith were for a time prohibited from practising in the courts; Roman Catholics were by an Act of 1704 prohibited from instructing the young, and encouragement was given

[1] Mereness, *Maryland as a Proprietary Province*, p. 439.

for the placing of the children of Roman Catholics under Protestant teachers; certain minor annoyances were also occasionally imposed upon persons attached to the Roman Catholic faith, and other discriminations made against them.

In 1718, the English statutes "for preventing the growth of Popery" (11 and 12 Wm. III.) were formally adopted by the Assembly as the law of the Province. The adoption of these harsh measures marked a long fall from the liberal policy of toleration established in the earlier days of the colony, but the actual practice appears to have been far more liberal than the letter of the law: and consequently the restrictive measures were not assiduously enforced. Of actual persecution for conscience sake there appears to have been none.

Maryland has the proud record, in contrast with that of sister colonies, and with the contemporaneous conditions in other lands, that within her borders religious liberty was from the foundation of the colony established; and though the lustre of this fame was eventually somewhat dimmed by the character of subsequent legislation, yet, at no time in her history did "the temperament which persecutes" here find an abiding place. It does not appear that any one was ever excluded from her territory, and it is certain that no one was ever put to death within her boundaries or under her laws, for or on account of religious belief.

LECTURE IV.

Charles, Third Lord Baltimore. The Royal Governors.

CHARLES, the third Lord Baltimore and second Proprietary of Maryland, succeeded to the title upon the death of his father, in November, 1675. It may be well to note that there were but six Barons of Baltimore. In Burke's *Extinct, Dormant and Abeyant Peerages* there is a list of *seven,* and to the third the name of *John* is ascribed. That person is altogether mythical; he never existed. Charles was the only son and heir of his father, Cecilius; was repeatedly referred to as such in his father's letters; and for fourteen years before succeeding to the title and estates acted as Governor, and representative of his father in Maryland. It will hence be seen that even genealogies that are supported by the authority of Burke, cannot always be accepted as infallibly true.

As this curious error in respect to the so-called John, third Baron of Baltimore, has been often repeated, and has even found its way into the *Dictionary of National Biography,* it may be worth while to consider for a moment its probable origin.

The late Reverend Dr. John G. Morris, in his paper entitled *The Lords Baltimore,* printed by the Maryland Historical Society in 1874, fell into the error of believing that there were seven Barons of Baltimore, although he refuted his own error by stating correctly that Charles, whom he calls the *fourth* Baron, became Governor of Maryland in 1661, and that upon the death, in 1675, of his father, Cecilius, who was the *second* Baron, succeeded to the title. These dates do not leave room for the intervention of a third Baron between the second and the one he erroneously described as fourth.[1]

It is stated in Lodge's *Peerage of Ireland*,[2] that John, Lord Baltimore, was a member of the Irish Parliament of the fugitive King, James II., in 1689. In that same year Charles, the third Baron, who had succeeded to the title in 1675, was outlawed for high treason in Ireland, upon accusation of being in rebellion against the established government. He successfully represented, however, to King William, that he never was in Ireland in his life, and that at the very time when he was accused of being in rebellion in that country he was present in England, appearing before the King and Council on other business, and loyally paid his taxes for carrying on the war against James. Whereupon in January, 1693, the

[1] *Md. Hist. Soc.: The Lords Baltimore*, 1874, pp. 36 and note, 42 and note.

[2] London, 1754; Vol. IV, p. 135.

King issued his warrant for reversing the outlawry. But Lord Baltimore never appeared before the Court of King's Bench in Ireland to secure its reversal, and later in life, declaring himself to be then very infirm, and advised by his physicians that his health and life would be imperilled by a journey to Ireland and back, he petitioned the English Parliament to pass a bill reversing the outlawry, pointing out the hardship of being outlawed in a country where he had never been.[2]

It seems to be a not unreasonable conclusion that Lord Baltimore, being an Irish Peer and a Roman Catholic, was in fact summoned to the Parliament of James, and being summoned, it was hastily concluded, even by the Judges of the King's Bench, that he responded to the summons and took his seat. But as it was clear that Charles, the successor of Cecilius, was neither in that Parliament nor in Ireland, an intervening Baron was apparently invented by the genealogists,—the one who figures in Burke's and Lodge's Peerages as John. The name ascribed to him may have resulted from an error of a copyist, or, in the summons itself, which presumably was intended to be issued for the actual Baron of Baltimore.

But to return to the narrative of events:—Charles, upon his accession to the Proprietorship, continued to exercise the government in person. In 1676, the

[1] *Md. Hist. Soc., Coll. Calvert MSS., Doc.* 247.

year after his accession, he convened the Assembly for the purpose of revising the laws of the Province, and at this session an Act was passed which was practically a codification of the existing laws, as it enumerated all previous laws which remained in force. The same year Lord Baltimore went to England, having appointed his infant son, Cecilius, Governor, with Jesse Wharton, Deputy. The latter was apparently in ill health at the time of his appointment. He died shortly after, having first designated Thomas Notley as his successor in accordance with power and instructions given to him by Lord Baltimore before his departure.

The troubles which the second Proprietary had to encounter in the administration of his Province were no less than those by which his father had been beset. He had scarcely left the Province before there arose a rebellion which threatened for a while the complete overthrow of his power. The year before, in 1675, the Susquehannough Indians, whose hunting grounds were to the north of Maryland, and who had by treaties been taken to a certain extent under the protection of the Province, had become greatly reduced in power, and their numbers diminished, by the ravages of smallpox. At this time a fierce descent was made upon them by their ancient enemies, the warlike Senecas, and the Susquehannoughs fled in dismay across Maryland to the old camping grounds of the Pascataways, by the banks of the Potomac. Shortly after, several

murders were committed by Indians on both sides of the Potomac. Of these the Susquehannoughs were accused, and a number of them were killed in reprisals in Virginia. A force was raised,—of Virginians, commanded by Colonel John Washington, and of Marylanders, commanded by Major Thomas Truman, who was a member of the Council. A party of Indians was besieged in a blockhouse near the Potomac, in which they had taken refuge. They insisted that they were innocent of the murders, and five of their chiefs came to a parley, offering to prove that, though numbers of their own people had been killed, the murders of the white settlers had been committed not by them but by the Senecas. Their protestations failed to convince Colonel Washington, and it came about that these five men, who, though savages, had come as envoys on an errand of peace, were put to death with the consent and by the authority of Major Truman. For this act of treachery he was impeached by the Maryland Assembly, but escaped punishment by that body on account of a disagreement between the two houses as to the character of his crime. The lower house provided in the bill of attainder for his punishment upon conviction, by a pecuniary fine only, while the upper house (of which, as one of the Council, he was a member) insisted that that was no adequate punishment for so grave an offence; that for murder, and a treacherous and atrocious murder at that, the

penalty should be death, else the administration of justice would be brought into contempt. The lower house assigned as a reason for urging a light sentence, that there was evidence going to show that the killing of the envoys was insisted upon by the Virginians, and that it was done to prevent a mutiny among the soldiers. The upper house did not apparently regard the evidence upon these points as conclusive, and argued that even if true, they afforded no sufficient excuse for a horrible crime against the laws of God and of nations. In consequence of this disagreement the upper house refused to proceed with the trial upon the bill of attainder; but Truman was expelled from the Council.[1]

The event proved disastrous enough to Virginia. The infuriated Indians started southward, laying waste the plantations with fire and murder. Sir William Berkeley, the Governor of Virginia, refused to raise a force to resist the Indian marauders, declaring that the county authorities could deal with them in their respective bailiwicks. Meanwhile the outrages went on unchecked, with daily murders of men, women and children. The indigna-

[1] *Md. Archives: Proc. of Assembly*, 1666-1676, p. 500. Lord Baltimore appears to have used his prerogative to impose a more adequate punishment, in spite of the failure of the Assembly to act. See p. 108 *infra*. It is interesting to note that in the seventeenth century the colonists of Maryland deemed savages entitled to the protection of the laws of nations.

tion against the Governor was intense, and in view of the mutinous spirit of the people he probably did not dare to raise a military force, lest, after quelling the Indians, it should follow the example set in England twenty-five years before and turn its attention to the overthrow of the government. Affairs were in this condition when the overseer on a plantation belonging to Nathaniel Bacon was murdered. Bacon was not one to sit idly by. He offered to go against the Indians, and demanded a commission from the Governor; which being refused, he raised a force and proceeded to make war upon the Indians upon his own account. He was successful in defeating the Indians, and was rewarded by being proclaimed a rebel by Governor Berkeley.

This was the beginning of what is known as Bacon's rebellion, which filled Virginia with violence for several months. The spirit of unrest is contagious, and since the intervention of the commissioners of Parliament, during the time of the Commonwealth, there had been a plenty of restless spirits in Maryland. That there were some grounds of complaint is probably true—but they were greatly exaggerated, and the embers of discontent were being continually fanned by those who were in chronic hostility to any authority, unless they could wield it themselves.

The situation was this. The Assembly then consisted of two houses. The upper house was composed of the members of the Council, all of whom were appointed by the Lord Proprietary,

and its devotion to his interests could be counted upon. It did not represent a class or estate, like the House of Lords, and therefore was looked upon with the greater jealousy. But the lower house, representative of the freemen, had finally become persuaded that it was a House of Commons, and its members knew what a House of Commons had done in England. Disagreements between the two houses were inevitable. In 1669 they had become so violent that, at the next election, Charles Calvert, who was then Governor, probably acting by direction of his father, Cecilius, exercised the discretion given to the Proprietary as to the manner of summoning the delegates, by restricting the suffrage,—limiting the franchise to freemen owning at least fifty acres of land or personal property to the value of £40. In this he followed an example that had been set by Governor Berkeley in Virginia. A more tractable house having thus been secured, it was perpetuated for several years, and the risk of another election avoided, by successive adjournments from year to year. The Proprietary discovered that there could be such a thing as a Long Assembly as well as a Long Parliament.

The Protestants now formed a large majority of the population. Charles, Lord Baltimore, declared that the Roman Catholics and the adherents of the Church of England together, formed less than a fourth of the whole number, and that the latter outnumbered the former. The Council, however,

and therefore the upper house, was largely composed of kinsmen of the Lord Proprietary, and of Roman Catholics, who were thus accorded a weight in the government entirely out of proportion to their numbers. But the chief real grievance of the Protestants appears to have been that the appointments to lucrative office did not seem to come their way; and it is true that the lower house as then constituted, with a restricted suffrage, had ceased to be fully representative of the freemen.

There were, however, not only certain real grounds of discontent; the imaginary ones were much more potent. In England the shameful foreign policy of Charles II. kept up a constant suspicion and dread of a "Popish Plot," and the feeling in the mother country found its echo in America. In 1676, there appeared a curious document called a *Complaint from Heaven with a Hue and Cry, and a petition out of Virginia and Maryland.* It was addressed to King Charles II. and his Parliament, but endorsed "For the Right Honorable the Lord Mayor and Aldermen with the Honorable Citizens and Merchants in London." A copy of it, preserved among the colonial papers in the Public Record Office in London, has been reprinted in the Maryland Archives.[1] This document is quite lengthy and is couched in language somewhat similar to that in

[1] *Md. Archives: Proc. of Council,* 1667/8, p. 134 et seq. In the extracts given in the text, modern spelling has been adopted, as that of the original is rather lawless.

which Master Dogberry's charge to the watch at Messina was framed.

It enumerates a number of grievances, such as the manner in which elections were conducted, the rate of taxation and other things, and mentions incidentally that although the Assembly cleared Major Truman for allowing the Indian peace envoys to be killed, (which was not true,) Governor Baltimore, "to cloak his policy," arbitrarily condemned him in a fine of 10,000 lbs. of tobacco and imprisonment during his pleasure.[1] The petitioners seemed to think that instead of being punished for treacherously murdering five Indians he should have been held responsible for allowing any to escape. It was complained that "the Proprietary with his familiars holds forth that he is an absolute prince in Maryland, with as absolute prerogative, royal right and power, as our gracious Sovereign in England, and according to that they set their compass to steer by and govern by." "The grandees about St. Mary's" came in for their share of attention, and Lord Baltimore was accused of having a custom of exchanging the King's Majesty's subjects for fur. The particular gem of this composition appears, however, when religious subjects come to be touched upon. This is a sample:

"As yet we must be Nicodemuses or else the inquisition will make some say black is white and therefore break off with a discovery of our priests

[1] See p. 104 *supra*, note.

and Jesuits in Maryland, which wander up and down in England apparelled as tradesmen and some otherwise, and so are sent over, but as soon as they come out from the ships surefooted appear in their plus ultra in their chapels. These black spirits disperse themselves all over the country in America, and as is saith, have £5 sterling for every turn coat they convert, good reason they make all the haste they can to set the Protestants at odds, to propagate the Pope's interest and supremacy in America; but will not this in time overturn the Protestants? for it is decreed to bring them first into a confusion and ruinated nothing, and then out of the ashes the Pope shall spring aloft, and my Lord Baltimore will be canonized at Rome."

Canonization as a reward for his efforts in the administration of his Province was probably far beyond Lord Baltimore's fondest dreams; and the alleged plan of stimulating the zeal of missionaries, as though they were travelling salesmen, by paying a handsome commission upon conversions, reckoned per poll (or per soul,) is a businesslike arrangement, the possibilities of which are probably as completely overlooked by modern missionary societies as they were in the days of the apostles.

The remedies proposed for all the terrible evils set forth in this petition were chiefly:—

That the government should be assumed directly by the Crown.

That a royal governor be appointed, and the

Lord Proprietary be reduced to the rank of landlord only.

That Protestant ministers and free schools and glebe lands be erected and established in every county, *notwithstanding liberty of conscience*, and maintained by the people.

And, incidentally, that six or seven hundred good resolute Scotch Highlanders be sent over to do the fighting.

The appointment of a Viceroy or Governor Generalissimo over all the American colonies was also recommended.

With such fantastic allegations as are contained in this paper, its gross exaggerations, manifest falsehoods and absurdities, it is difficult to determine the precise boundary of truth; but with a spirit abroad, such as is here revealed, and with the example of Bacon successfully defying the Governor's authority in Virginia, it is not surprising that an attempt at revolt was stirred up in Maryland. Insurgents, under the leadership of William Davis and John Pate, assembled in arms in Calvert County, demanding of the Governor and Council a redress of grievances. The Governor ordered them to disperse, promising to bring their complaints before the Assembly. This they refused to do, denying that the Assembly was a lawful one. Apparently energetic measures for the restoration of order promptly followed; for Thomas Notley, the Deputy Governor, in writing to Lord Baltimore an account of the matter, briefly stated

that "since Davis and Pate were hanged, the rout hath been much amazed and appalled, but, God be thanked, we now enjoy peace among ourselves, though never a body was more replete with malignancy than our people were about August last." [1]

Governor Notley attributed the collapse of this revolt in Maryland not only to the execution of the leaders, but also to the moral effect of the termination of the rebellion in Virginia, which followed promptly upon the death of its leader, Bacon, from malarial fever.

There soon loomed upon the horizon of Maryland an event which involved a more serious menace to the Province than aught that had previously befallen,—one which was to give rise to disputes and controversies extending over more than half a century.

In 1681, Charles II. made a grant of a large territory lying to the north of Maryland, and to which the name of Pennsylvania was given, to William Penn. Charles was indebted to the estate of Penn's father, Admiral Penn, in a matter of £16,000, and this grant of land, made in settlement of that debt, was no doubt very satisfactory to both parties. Charles paid a large debt with that which cost him nothing, and Penn obtained an immensely valuable province in exchange for a desperate claim. The northern limit of Maryland, it must be remem-

[1] *Md. Archives*: *Proc. of Council*, 1667-1687/8, p. 153.

bered, was placed by the charter at the fortieth degree of north latitude. A copy of the petition for the grant to Penn was submitted to Lord Baltimore's agents in London and they asked the Committee of Trade and Plantations that a clause be inserted specifying that the southern boundary of the new Province should run north of a certain fort or blockhouse which the Marylanders had built for the Susquehannough Indians, just within the northern boundary of Maryland. With this condition Penn expressed himself as perfectly satisfied.[1] But when the grant was made, it was discovered that the southern boundary of Pennsylvania was to be defined by a circle drawn at twelve miles distance from New Castle northward and westward to the beginning of the fortieth degree of north latitude, and thence by a straight line westward. No mention was made of the Susquehannough fort by which Lord Baltimore's boundary was already marked.

Penn appointed his kinsman, William Markham, as his deputy in America, and gave him a letter to Lord Baltimore, containing smooth expressions of friendship, and in which he expressed an earnest desire to come to an agreement about the location of the boundary. Shortly after, he wrote another letter from London jointly to several prominent Marylanders seated at and near the head of the bay, upon lands which they held by grants from Lord

[1] *Md. Archives: Proc. of Council*, 1667-1687/8, p. 272.

Baltimore, included among them being the distinguished Bohemian settler, Augustin Herrman, whose plantation was the well-known Bohemia Manor in Cecil County. In this letter, Penn admonishes them that in being his friend, they will best befriend themselves; and presuming that their places of residence fell within his patent, he advises them to pay no more taxes or assessments by any order or law of Maryland, as it would be greatly to their own wrong as well as his prejudice. He then inserts a subtle threat of his power with his superiors in England, which would enable him to weather the difficulty in case of non-compliance on their part. He adds the pious hope that "we shall all do the thing that is just and honest" with the practical reflection that it "is always wise" so to do.[1]

This effort to stir up doubts in the minds of Lord Baltimore's tenants as to the validity of their titles having been made, Markham proceeded to make some astronomical observations; and soon discovered that New Castle was twenty miles south of the fortieth degree of north latitude, and that therefore, the northern limit of a circle with a radius of twelve miles about that place, from which Penn's southern boundary was to run, would fall eight miles

[1] This letter was promptly sent by the loyal Herrman to Lord Baltimore. The original is now in the possession of the Maryland Historical Society. It was published in *Calvert Papers*, No. 1, p. 324, together with some other characteristic letters from Penn.

south of Lord Baltimore's northern boundary. This fact having been discovered, Markham took every means of avoiding a meeting with Lord Baltimore's representatives for the purpose of settling the boundary, which at first he had seemed anxious to determine. A postponement of the survey was first made on account of Markham pleading sickness, and subsequently, when the Maryland commissioners went repeatedly to New Castle by appointment, it was only to find Markham absent in New York or elsewhere. Finally, when he was surprised into an interview with Lord Baltimore, upon returning home under the belief that the Marylanders, who were waiting for him, had departed, it was found that some of the glasses had been mysteriously removed from his astronomical instrument. Another instrument was, however, procured, and the fact, which Markham had previously ascertained as to the location of the fortieth parallel, was quickly established. Markham then became arrogant, and asked if it were proposed to limit the royal authority.[1]

[1] *Md. Archives: Proc. of Council*, 1667-1687/8, pp. 377, 378. At this conference one of Lord Baltimore's surveyors flippantly and irreverently remarked that if the King could make a radius of 12 miles from the centre of New Castle, extend 20 miles to the 40th degree of north latitude, "his Majesty must have long compasses." To this Markham replied, with becoming dignity, that "he hoped they would not limit his Majesty's compasses." *Md. Archives: Proc. of Council*, 1667-1687/8, p. 431.

It appears that Penn had persuaded himself and assured his colonists, that his grant included the upper portion of the Chesapeake Bay, whereas in fact the fortieth parallel, at which the northern boundary of Maryland was fixed by the charter, passes a little to the north of the present site of Philadelphia. Markham continued to contrive all sorts of delays to avoid the determination of the boundary until he could communicate the facts to Penn and obtain fresh instructions. At last Penn came himself to look after his interests, and had several conferences with Lord Baltimore, at which some extraordinary propositions were made. He finally agreed to join Baltimore in a determination of the latitude of the head of the Chesapeake, upon condition that Lord Baltimore would name a "gentleman's price" per mile, at which he would sell the territory necessary to give Penn an outlet on the bay, if the observations should show that it lay south of the limits of his grant. And so the real ground of contention was revealed. Penn was determined upon possession of the head of the Chesapeake. If his charter did not give it to him, he would have it some other way. Meanwhile he admonished Lord Baltimore of the expediency of prudence, and of his duty to his Prince, with whom Penn claimed, and in fact possessed, great influence. As one means of shrinking the proportions of Maryland, Penn suggested,—and he was fortified with a letter from the King upon the subject,—that in order to

determine his northern boundary, Lord Baltimore should begin at the extreme southern boundary of Maryland and measure two degrees northward, allowing but sixty miles to the degree. Penn thought that by short measure Maryland's north boundary could be moved far enough south to suit his purpose. Baltimore rejected this round-about method of ascertaining the location of the fortieth degree, and declined to accept a letter from the King as modifying the plain terms of his charter passed under the great seal. He bluntly said the King had been misinformed. Penn then made the extraordinary proposition that Baltimore should surrender to him the strip of land which he coveted on the north of Maryland, and compensate himself by moving his southern boundary on the eastern shore, thirty miles to the southward, seizing upon the intervening territory which belonged to Virginia. This proposition Lord Baltimore also rejected; but the suggestion sadly shows how vain was the hope Penn had expressed in his letter to Herrman and others, that "we shall all do the thing that is just and honest." [1]

In order to make sure of a port and harbor with access to the high seas, Penn had procured from his friend, the Duke of York, afterwards

[1] *Md. Archives*: *Proc. of Council*, 1667-1687/8, pp. 379, 382, 397. It is curious to note that the reports of these conferences were taken down in short hand, p. 380.

James II.,—to whom his brother, King Charles II., had made a grant of New Amsterdam, the name of which was now changed to New York, and all of which lay to the east of the Delaware,—a deed for certain land upon the *west* side of that river, including nearly the whole of what is now the State of Delaware. All of this land lay within the tract comprised in Baltimore's charter, and the Duke of York had not a shadow of title to any of it; but a trifling defect like this did not trouble the conscience of either the grantor or grantee. Hence a new cause of dispute arose.

The settlement of the contest over the boundary was not reached until many years after, when the original disputants had long been dead. Its further history belongs to the time of the grandson and great-grandson of Charles, the third Lord Baltimore. It only remains now to say that in 1684, the latter found it necessary again to return to England to counteract Penn's machinations at the Court, and before the Council, to work his ruin. After the accession of James to the throne, Penn, confident of the power of his influence with his superiors, at which he was fond of hinting, instigated *Quo warranto* proceedings on the part of the Crown, with a view of clearing the ground, so to speak, for his own schemes, by securing the revocation or annulling of the Maryland charter itself. With his complaisant and unscrupulous patron on the throne of England there is little doubt as to what the

outcome would have been; but before a decree could be obtained, the English people had demanded with no uncertain voice by what warrant James II. continued to sit upon the throne while he subverted the laws of the land; and that monarch was a fugitive from his kingdom.

It was unfortunate for Lord Baltimore that at a time when his presence was urgently required in England, it was no less needed in Maryland.

Upon his departure,—his eldest son, Cecilius, having died a few years before,—he appointed his infant son, Benedict Leonard, Governor, with a board of Deputy Governors, of which George Talbot, an Irishman and a kinsman of Lord Baltimore's cousin, Sir William Talbot, was named as first, or President. Talbot had been Surveyor General of the Province, a member of the Council, and was a zealous friend of the Proprietary; but as the sequel shows his discretion was not equal to his zeal.

Much friction had been caused by the behavior of the collectors of the royal revenues from customs, and charges and counter-charges of misconduct were made. The collectors were accused of being violent, arbitrary and extortionate, while they claimed that the King's revenues were defrauded by smuggling, which the proprietary government took no adequate means to suppress. That there was smuggling is no doubt true, but the Lord Proprietary's revenues, a part of which was derived from imposts, suffered

from that as well as those of the Crown. Disputes and antagonisms naturally arose, and upon the representations of the collectors, Lord Baltimore was required to pay a fine of £2500 for losses to the royal revenues alleged to have resulted from his negligence in suppressing smuggling and failing to render assistance to the collectors.[1]

In November, 1684, not long after Baltimore's departure, George Talbot went on board a small war vessel, which had just arrived from England, where he found Christopher Rousby, a collector of the royal customs, carousing with the captain. Rousby appears to have been an arrogant ruffian, and his high handed behavior had already been the subject of complaint on the part of Lord Baltimore. Talbot's own temperament was sufficiently excitable, and when these two met a violent altercation quickly ensued, in which Talbot stabbed Rousby, killing him instantly. As soon as this was known, a warrant for his arrest on the charge of murder was issued; but the captain of the vessel, who had detained him a prisoner on board, refused to respect the warrant, and carrying him off to Virginia, delivered him to the authorities in that colony. The Governor and Council of Virginia in turn refused to accede to Maryland's demand for the surrender of the prisoner, and placed him in jail at Gloucester. Lord Baltimore succeeded in obtaining from the Privy Council an order for

[1] *Md. Archives*: *Proc. of Council*, 1667-1687/8, p. 343.

his transference to England for trial; but meanwhile, in the midst of winter, Talbot's wife, with two faithful Irish servants, sailing in a small skiff down the bay and up the Rappahannock, rescued him from jail and carried him back to his manor in Maryland, where he for some time lay in concealment. But in a little while he surrendered himself to the authorities, who, relying upon the order of Council for his trial in England, delivered him to the Governor of Virginia. The latter, in spite of that order, brought him to trial at Jamestown, where he was sentenced to death; but this time Lord Baltimore succeeded in procuring a pardon from the King, which came just in time to save his life.

Shortly after this another officer of the customs was killed, under circumstances however, which had no relation to his duties as an officer of the Crown; but these events were easily availed of by restless intriguers, who continually sought the overthrow of the Proprietary government, to make it appear that that government was persistently disloyal to the Crown.

Upon the accession of William and Mary, Lord Baltimore at once despatched a special messenger from England with an order to the Council to proclaim the new Sovereigns. The messenger died on the voyage and the order was not delivered. Consequently, William and Mary were proclaimed in Virginia and New England while Maryland remained silent. A second messenger was despatched,

but the mischief caused by the delay had been wrought. The malcontents seized upon it as evidence of Lord Baltimore's adherence to the cause of the dethroned monarch. It was just at this time, it will be remembered, that he was outlawed in Ireland,—a country in which he declared he had never been,—upon the charge of treason committed there.[1] How little reason he had to be attached to the cause of James, and how unlikely he would be to render him assistance, will be appreciated when it is considered that that same James, when Duke of York, had given Penn a deed for a portion of Lord Baltimore's territory, and that Lord Baltimore was at that time in England for the express purpose of resisting proceedings by which it was sought to deprive him of the whole of his American Province, for the benefit of James's friend and protégé, Penn.

The only evidence of any support having been given by Lord Baltimore to the cause of James is in a letter[2] to him from the government of Maryland, in which he is congratulated upon his heroic action in raising a troop for his Majesty's service. That he really did so, seems extremely improbable, though it is quite possible that some of his Irish tenantry may have joined the standard of James.

[1] See p. 100 *supra*.

[2] This is a long letter giving an account of public affairs in the Province. The concluding paragraph contains the allusion to the troop. *Md. Archives*: *Proc. of Council*, 1687/8-1693, p. 65.

The expression in the letter that this act would tend "to the greater glory of God," those words—or rather their Latin equivalent, *Ad majorem Dei gloriam*,—being the motto of the Society of Jesus, suggests the probability that the writer was one of its members or disciples, whose sympathies would naturally be with the exiled king.

In addition to the charges brought against him in relation to the customs revenues, Lord Baltimore had been accused of treating the Protestants unfairly; and now the time to strike was ripe. A rumor was started that the Roman Catholics had entered into a conspiracy with the Indians to murder all the Protestants in the Province, and that large bodies of the savages were actually moving on the settlements. Means of communication were slow, and it took time for positive information to be obtained. It was reported at the lower settlements that massacres were being perpetrated in the uplands, and at the uplands that they were in progress below. Messengers, that were sent hither and thither, found the people arming to go to the rescue of the settlers at places which they had themselves just quitted, leaving all at peace. The matter being investigated, some of the leading people, most of them Protestants, and among them Kenelm Cheseldyn, the speaker of the lower house, put forth a declaration to the effect that all this alarm was "but a sleeveless fear and imagination, fomented by the artifice of some ill minded persons who are

studious and ready to take all occasions of raising disturbances for their own private and malicious interest."

The excitement, however, was not stayed. John Coode, who had been associated with Fendall in sedition and an attempted insurrection ten years before, was the chief instigator. Coode had been a Roman Catholic and then a Protestant; once a clergyman, and now a blatant and blasphemous atheist. He gathered an armed force, and with his associates put forth a declaration replete with the well-worn cries of "popery" and "Jesuit," and in which the tyrannical character of the popish government of Lord Baltimore was duly dilated upon. This declaration, incredible as it may seem, bore the signatures, or at least the names, of some of the men who but a little while before had denounced as false the malicious rumors upon which the declaration was based.

The force led by Coode besieged the members of the Council in a fort at Mattapony, in which they had taken refuge, and obtained their surrender. These insurgents then organized themselves under the title of Associators, and for a while carried things with a high hand, imprisoning not only Roman Catholics, but also any Protestants who resisted their lawless proceedings. Plunderings and threatenings of death were their means of coercing remonstrants. Addresses were sent to King William, urging him to take possession of the Province and appoint a

governor to administer its affairs in the name of the Crown. William of Orange did not feel himself particularly bound by the promises and grants of his predecessors, the Stuarts, and recognized the advantage of attaching more closely to the Crown the growing value and power of the American colonies. He was not slow therefore to heed these complaints, and, in 1691, asserted the royal authority over the Province, by the appointment of Sir Lionel Copley as Governor for the Crown, who arrived in the Province during the following year. This action was taken after the rendering of an extraordinary opinion by Lord Chief Justice Holt, which was in substance, that though it would be better that some inquisition were held and a forfeiture of the charter found, yet as the case was pressing the King might act, and let the investigation follow. The action was evidently determined upon in advance, and legal or constitutional difficulties could not be allowed to stand in the way.[1]

From this time, that is from 1692, until 1715, a period of twenty-three years, the administration of the Province was in the hands of governors appointed by the Crown. The authority of the Lords Baltimore was in abeyance. They were no longer Absolute Lords as prescribed in the charter

[1] For a criticism of this opinion, see McMahon, *Hist. View of the Govt. of Md.*, p. 242, note. Arguments similar to those of the Chief Justice, might be urged in justification of lynch-law.

of Maryland, but they remained Proprietaries, in the sense that they were lords of the soil. They were deprived of the right of government, but their territorial rights were not infringed.

From the time of the assumption of the government of the Province by the Crown, Charles, Lord Baltimore, seems to have disappeared from public life. He was reduced from the rank of a count palatine, with princely authority, to that of a mere landlord, entitled only to the rents of his estates, quit-rents from tenants, port dues, and the duties on tobacco. His right to the last two, though disputed by the Assembly, was confirmed by the royal authority.

Before his accession to the title, Charles had many years' experience in the government of Maryland under the guiding hand of his father, Cecilius; and, residing in the Province, he had a more intimate knowledge than the latter could possibly have, of the conditions, the needs, and the characteristics of the people. He seems to have inherited his father's strict sense of justice and fairness, but to have fallen very far short of him in breadth of mind and in the spirit of liberality. At the same time it must be remembered that he had changed conditions with which to deal. Cecilius had to contend with the members of a religious society, who disputed the extent of his jurisdiction, and even his territorial rights; with persistent attacks from Claiborne and others of the Virginia Company; with open rebellion; and with the overthrow of his

authority, by commissioners acting under authority of Parliament. The freemen, however, those who were entitled to vote, and to a voice in legislation, remained in large proportion of the same class as the original settlers, those who came out prepared to take up lands and become freeholders. But with the first colonists, and after them, came a large number of indentured servants, and, at a later date, some less desirable persons, convicts bound over to masters for a term of years in lieu of confinement in jail. All these persons, indentured servants and convicts alike, were entitled, when their terms of service were ended, to acquire lands and become freemen, with the right to vote, and to representation in the Assembly. In fact in the paper issued at the time of the insurrection headed by Davis and Pate, it was admitted by the petitioners that "a great many of us came in as servants to others," but, as offsetting this, a fling was added, "and so was my Lord Baltimore but an inferior Irish Lord, and as is saith, one of the Pope's privy agents in England."

With the acquisition of the franchise by persons of this class, the character of the representation was materially changed. The Assembly had become more democratic and was strongly imbued with the lessons taught by the actions of the House of Commons during the Commonwealth in England. Lord Baltimore met the changed conditions by limiting the suffrage with a property qualification, and still further, — falling back upon the strict letter of his

charter,—by summoning to the Assembly only a portion of the delegates elected. It may be assumed that he exercised a prudent caution in the selection of those to whom the summons was issued, and so secured a more manageable legislature than would otherwise have been possible. His method of dealing with the representatives of the people was somewhat high handed. Upon occasion of difference it was his practice, during his residence in Maryland, to call the delegates to meet him in the upper house, where he presided, and by the weight of his personal authority, enforce his views upon them. He was disposed to be autocratic, but at the same time, no act of his can be pointed to as actually indicative of unfairness or injustice. He was scrupulous in maintaining the principles of religious toleration established by his father, and on one occasion when a grant of one hundred thousand pounds of tobacco was voted to him by the Assembly, as an expression of gratitude, and appreciation of his benign administration, he declined the gift on the ground that it would impose too heavy a burden on the tax payers, "considering the great charge the country hath already been at." [1] We recognize in him a fair and just man, but one lacking in many respects the largeness of view and conciliatory disposition by which his father was distinguished. His administration of the affairs

[1] *Md. Archives*: *Proc. of Assembly*; 1678-1683, p. 516.

of the Province, though sometimes arbitrary, was eminently humane, and those who sought a panacea for all ills by the overthrow of his government, and the establishment of that of the Crown, had yet to learn, like the malcontents of old who demanded a king to rule over them, that a royal yoke is not always easy.

Charles, Lord Baltimore, married Jane, the widow of Henry Sewall, who had been Secretary of the Province. She was the daughter of Vincent Lowe, Esquire, of Derbyshire. After Lord Baltimore's return to England in 1684, he continued to reside in that country until his death on February 20th, 1714/5. He was eighty-five years of age at the time of his death, and was married four times.[1] His death occurred but shortly before the restoration of the government in Maryland to the administration of the Proprietary.

In order to complete the chain of events in the development of the story of the Maryland Palatinate, it will be necessary to review briefly the changes which occurred in the period of twenty-three years, from 1692 to 1715, during which the palatinate government was suspended, and the affairs of the

[1] His first wife was —— Darnall, who died in childbed; his second wife Jane Sewall, (*nee* Lowe) mentioned above, who died in February, 1700/01; his third wife was Mary Banks, a widow, who died in March, 1710/11, and his fourth wife was Margaret Charleton, who survived him. See Genealogy of Calvert Family in Appendix to Browne's *Maryland*, second edition, p. 373.

Province administered under governors appointed by the Crown.

It has already been mentioned that acting under advice of the Privy Council, and fortified by the opinion of Lord Chief Justice Holt, King William decided to assume control of the Province for the Crown, and appointed as Governor, Sir Lionel Copley, the first royal governor of Maryland.

Upon arriving in the colony, Sir Lionel immediately terminated the provisional government which had been set up and conducted as a sort of dragonade by the Associators, and convened an Assembly. To this body he made a very wise address, counselling the laying aside of all heats and animosities, and the observance of moderation in their acts. This, however, was not what the delegates wanted. The first Act of the Assembly was naturally one of recognition of the authority of William and Mary, and to this was added an address expressing gratitude to their Majesties for taking the Province under the protection of the royal authority, and delivering it from the "tyrannical Popish government under which they had long groaned."

The second law passed was one for the establishment of the Church of England, and the imposition of a tax of forty pounds of tobacco per poll for the support of the clergy of that Church. The principal features of this bill under which there was, for the first time, an established Church in

Maryland, have already been noted in the preceding lecture.

While the government of the Lord Proprietary had been overthrown, the Crown respected his rights as Proprietor; the Maryland Assembly now proceeded to attack these. The King had distinctly recognized the right of Lord Baltimore to collect and receive one-half of the duty on tobacco exported, which had by law been appropriated for his private use, and also a tonnage duty of 14d. per ton upon vessels clearing from any port of the Province. The Maryland Assembly undertook to dispute these rights, and to harass Lord Baltimore's agents in their attempts to collect his private revenues. He had again to appeal to the King, who specially instructed Sir Lionel Copley to take care that the agents of Lord Baltimore should be permitted to live peaceably and quietly, and to act as formerly in receiving his Lordship's dues and revenues in the Province, and that no vessels should be cleared from it until they had paid their shipping dues. Notwithstanding the mandate of the King, the lower house was slow to relinquish its grasp on a source of revenue which it thought could be successfully confiscated for the use of the commonwealth. Mr. Henry Darnall, who had been Receiver General, and was now Lord Baltimore's agent, petitioned the Governor and Council, in 1692, that the records and accounts belonging to the Proprietary be delivered to him, that he be allowed possession of his Lordship's houses and plantations,

and that ports be designated at which the tonnage duty should be paid. The matter was referred to the lower house, which assented to the surrender of the accounts, with the exception of the land records, but denied the Proprietary's right to the tonnage duty, asserting that it was levied for the defence of the colony. The matters in dispute were at length appealed to the King in Council, when the action of the Maryland Assembly was disallowed and the claim of the Proprietary to the tonnage dues, to one-half of the export duty of 2s. per hhd. on tobacco, and to free access to the land records was confirmed.

The City of St. Mary's, where the first settlers had established themselves, where a State House had been erected, and which was still the seat of government, was the next victim of the changed influences at work. It is true that it was situated at a remote corner of the Province and was inconvenient of access to settlers established along the upper portion of the bay, and at the heads of the rivers. A more central location, near the old Puritan settlement on the banks of the Severn, was selected as the future seat of the government and thither it was removed in 1694. To this place was given the name of Anne Arundel Town, afterwards changed to Annapolis. The "Mayor, Recorder, Aldermen, Common Councilmen and Freemen" of St. Mary's presented a humble petition[1] against the removal

[1] *Md. Archives: Proc. of Assembly*, 1693-1697, p. 71 et seq.

of the seat of government, pleading ancient usage, and pointing out how the value of property at that place would be destroyed and themselves ruined by such action; but all the associations with St. Mary's were connected with the Proprietary government, and for such associations, those now in authority entertained no sentiment.

The address was referred to the lower house, and by that body the petition of St. Mary's was rejected in terms of contempt and brutal insolence. The language of the Assembly's reply marks a distinct fall from the amenities which had prevailed under the sway of the Proprietaries, when, whatever differences and animosities may at times have arisen, in mutual intercourse, the forms of courtesy were ordinarily observed.

Sir Lionel Copley died in 1693, and Francis Nicholson, who had been commissioned Lieutenant-Governor, was absent in England. Sir Edmund Andros, who was then serving as Governor of Virginia, thereupon assumed the Governorship of Maryland, claiming authority under a commission authorizing him to do so in the event of Nicholson's *death*. Nicholson was not dead, but liberal interpretation of his powers was not unusual with Sir Edmund. The Assembly, however, objected to this *ante mortem* administration of the office of a living man, and Sir Edmund retired, leaving the government to be administered by the President of the Council until Nicholson's arrival.

As illustrating the character of one of the principal leaders in the movement which led to what has been called the Maryland revolution, it may be mentioned that the ex-priest Coode, the chief agitator at that time, was returned as a member of the Assembly of 1696; but Governor Nicholson, knowing him to be a chronic promoter of sedition, and that he had boasted "that he had pulled down one government and could pull down another," refused to administer the oath, basing his refusal upon the ground that he was in holy orders and therefore ineligible; "once a priest, always a priest," the Governor maintained. This worthy was shortly afterwards indicted for blasphemy, among other charges, and fled to Virginia.

The royal governors appear to have been, for the most part, judicious men, who sought to discharge the duties of their office faithfully. Of Sir Lionel Copley, and the brief episode of Sir Edmund Andros, mention has already been made. Francis Nicholson had had experience in colonial government, both in New York and Virginia. He was a man of force and statesmanlike views, and conducted his administration with ability. His vanity, however, was inordinate, his temper was irascible, and his private life appears not to have been above reproach. He was an earnest supporter of the royal authority and active in promoting the cause of the established Church. His chief claim to consideration is, perhaps, due to the fact that he zealously advocated the cause of education and sought earnestly to secure

the establishment of a college in Maryland. He had secured the foundation of William and Mary College in Virginia, and his efforts in Maryland resulted, in 1696, in the establishment of King William School at Annapolis, to the support of which he was himself a generous contributor.

He was succeeded in 1698 by Nathaniel Blackistone, who retired in 1701, on account of enfeebled health. It is an indication of the esteem in which he was held in the colony that, upon his departure for England, he was requested by the Assembly to act as its agent, to look after the interests of the Province with Crown and Parliament. The next royal governor was John Seymour, who was appointed in 1704, the office having been, meanwhile, administered by Thomas Tench, President of the Council. That Seymour was a stanch, or rather a strenuous Protestant, is shown by the character of an harangue[1] he made on September 11th, 1704, to two Roman Catholic priests brought before him on the charge of saying Mass in public. In this truculent screed he uttered several direful threats, and closed by admonishing them that he was an "English Protestant gentleman, and could never equivocate."

In 1708, Governor Seymour came into collision with the Assembly. He had sought to have Annapolis incorporated as a city, but failing in his efforts with the Assembly, he granted a muni-

[1] Printed in Scharf's *History of Maryland*, Vol. I., p. 368.

cipal charter himself. The Assembly was at once upon enquiry. The Lords Proprietary had power under the charter of Maryland to erect towns, cities, establish ports, etc., but did a royal governor have similar authority? The Assembly demanded to see the Governor's commission; whereupon it was discovered that he had exceeded his authority. After some bickering the charter of Annapolis was finally granted by the Assembly.

In 1709, Governor Seymour died, and the Governorship then devolved upon Edward Lloyd, President of the Council, and so remained until the appointment of John Hart, the last of the royal governors, in 1714, one year before the restoration of the Proprietary government.

The period of the royal governors witnessed a marked change in the constitutional character of the government of the Province. The lower house of the Assembly acquired larger powers as a co-ordinate branch of the legislative body, and sought continually to extend those powers. It called in question the powers of the governors, as in the case of Governor Seymour's attempt to grant a charter to Annapolis, and held them to the letter of their commissions. The proceedings of the Assembly at times may seem much like those of a college debating society; but it was the school in which the assertion of liberty found expression, and wherein was obtained the training which, two generations later, showed the freemen of the American colonies

qualified to take their part as the legislators of an infant nation.

The various grievances alleged by the Associators in 1689, in the petition to the King, inviting him to assume the government of the Province, have already been noted. The petition served its purpose. But, it is worthy of note that, in 1701, when a bill was introduced in Parliament looking to the destruction of the charters of Massachusetts, New Hampshire, Rhode Island, Connecticut, East and West Jersey, Pennsylvania, Maryland and the Bahama Islands, and their conversion into royal governments, a letter was addressed by the Lords Commissioners of Trade to the government of Maryland, enquiring particularly as to "the ill-conduct of Proprietary governments, especially of Maryland when under that government." Now was the chance to substantiate the complaints of 1689. The letter was laid before the Council, which was no longer composed of appointees of the Proprietary. The members were able to think of but five grievances:—these were, that there had been no oath of allegiance to the Crown required, but only the oaths of office and fidelity to the Proprietary, (which was in accordance with the charter); that the laws of the Province were not transmitted to the King for allowance, (which was also strictly in conformity with the charter); that there were no appeals to England from the decisions of the courts, and that the judgment of the upper house

was final in all causes, (also charter rights); that two collectors of customs had been murdered in the execution of their office, (which was not true,) though they added that this was not chargeable against the government; and, finally, that the tonnage charge of 14d. per ton as port duty belonged to the Province, (in respect to which the Privy Council had, nine years before, after examination of the subject, decided otherwise). Not one single charge of tyranny, oppression, abuse of power, or official misconduct, was laid against the Proprietary or the Proprietary government as such, now when the opportunity for complaint was given, and a report upon the subject was not only encouraged but especially demanded by the Crown.

LECTURE V.

Benedict Leonard, Fourth Lord Baltimore.
Charles, Fifth Lord Baltimore.
Frederick, Sixth Lord Baltimore.

UPON the death of Charles, third Baron, which occurred on February 20th, 1714/5, his son, Benedict Leonard, succeeded to the title, which he held, however, for a few weeks only, as his own death followed on April 5th, of the same year (1715).

Benedict Leonard had, in 1713, publicly renounced the Roman Catholic faith and attached himself to the Church of England. The immediate effect of this change of religious faith or allegiance was twofold. In the first place it excited the wrath of his father, who had adhered to his Church regardless of the effect upon his temporal fortunes, and in the second place it paved the way for the restoration of the Proprietary government in Maryland.

The old Lord Baltimore manifested his displeasure by withdrawing an allowance of £450 yearly which he had made to his son, and the latter was consequently obliged to depend upon his wife's portion for the means of living, and for the education of his children, who had been at Roman Catholic seminaries

on the continent of Europe at their grandfather's charge, but were now placed at Protestant schools in England. Under these circumstances Benedict applied for relief to Queen Anne, who granted him a pension of £300 during his father's lifetime, and at his instance appointed John Hart Governor of Maryland, who agreed to allow Benedict an additional sum of £500 yearly out of the revenues of his office. Upon the accession of George I., Benedict laid the state of the case before him, and obtained a continuance of the pension allowed by Queen Anne, and the renewal of Hart's commission as Governor.

Charles, Lord Baltimore, lived but a short time after these events, and the news of Benedict Leonard's succession as Proprietary had hardly been received in Maryland before it was followed by the announcement of his death. There is therefore no record of acts of his as Proprietary.

In 1684 when he was a child, not more than five or six years of age, he had been appointed by his father titular Governor of Maryland, during the latter's absence in England, with the actual administration vested in a board of deputies. No record of the birth of Benedict Leonard has been found, but from a letter written by his father, dated July 9th, 1679,[1] in which the circumstance is mentioned, that the young gentleman had not yet cut his teeth, it may

[1] *Md. Hist. Soc., Calvert Papers,* No. 1, p. 307.

reasonably be assumed that his birth occurred not very many months prior to that date.

On January 2d, 1698/9, he was married to Lady Charlotte Lee, from whom he is said to have been divorced in 1705,[1] six years after his marriage, she having in the meanwhile borne him seven children. She was the daughter of the Earl of Litchfield, and granddaughter of Charles II. and Barbara Palmer, whom Charles created Duchess of Cleveland, and who is described by Macaulay as the "superb and voluptuous." Having become a Protestant, Benedict was elected, during the last year of his life, member of Parliament for Harwich in Essex.

Charles, the fifth Baron, succeeded to the title upon the death of his father, on April 5th, 1715. He was then but sixteen years of age, and his guardian, Lord Guilford, lost no time in representing to the King, George I., the fact that his ward was a Protestant, and that therefore no political reason existed for delaying the restoration to him of the government of the Maryland Province. The King was equally prompt to act, and in May, 1715, the palatinate authority was restored to the infant Lord Baltimore under the terms of the original charter granted eighty-three years before.

We have seen with what excitement, with what denunciations and violence, certain agitators had taken advantage of the political disturbances in

[1] Morris, *The Lords Baltimore: Md. Hist. Soc.*, p. 43.

England to secure the overthrow of the Proprietary government in 1689. Twenty-six years later the restoration of that government did not cause a ripple or a whisper of discontent. A proclamation was issued announcing that the thing had been done. John Hart, the royal governor, was recommissioned as governor for the Proprietary, writs which had been issued in the name of the Crown for the election of delegates to the Assembly were recalled, and new writs issued to which the old great seal of the Lord Proprietary was affixed,[1] and that was all. An address was adopted by the Assembly expressing satisfaction that with the restored government they were "put on a wholly Protestant establishment," but there seems to have been some suspicion lurking that the new Proprietary might have inherited some of the prejudices of his ancestors in favor of religious toleration, for they hastened to add the assurance that "Papists are secure while they remain good subjects." [2]

Two years later, an address signed by the speaker and fifty-two members of the lower house, applauds his Lordship's "compassion for truly scrupulous consciences," and assures him that the writers "feel the same for those that are inoffensive to the government and do not pervert Protestants to

[1] For a history and description of this seal, see the author's monograph, entitled *The Great Seal of Maryland. Md. Hist. Soc., Fund Publication* No. 23, (1886).

[2] *Md Hist. Soc., Coll. Calvert MSS., Doc.* 257.

the superstitions of the Church of Rome." His Lordship is warned against heeding complaints from any such. He is cautioned "not to listen to them." [1]

Charles, Lord Baltimore, was married in July, 1730, to Mary, daughter of Sir Theodore Janssen of Surrey, from whom he afterwards obtained a partial divorce.[2] She bore him three children, Frederick, who succeeded to the title, Louisa, who afterwards became Mrs. Browning, and Caroline, who was the wife of Governor Eden of Maryland. In both character and ability Charles fell very far short of his grandfather and namesake. Some of his letters, addressed to the governors of Maryland, exhibit a querulous temper in marked contrast to the dignified tone in which his ancestors conveyed instructions, or if need were, expressed disapproval of what had been done. He was nevertheless not without accomplishments, and during his travels abroad, upon the continent of Europe, made a very favorable impression upon Frederick the Great, of Prussia, then Crown Prince.[3] It was in 1739 that, returning from Russia, he visited the Prince at Reinsberg, where he remained five days. Frederick wrote of him to Voltaire: "This milord is a very

[1] *Md. Hist. Soc., Coll. Calvert MSS., Doc.* 262.

[2] *Md. Hist. Soc., Coll Calvert MSS., Doc.* 432.

[3] Carlyle, *History of Frederick the Great*, 1858, Vol. II, p. 665; and Morris, *The Lords Baltimore*, pp. 45-52, where several references to authorities are given.

sensible man, who possesses a great deal of knowledge and thinks like us that sciences can be no disparagement to nobility nor degrade an illustrious rank. I admire the genius of this Anglais as one does a fine face through a crape veil. He speaks French very ill, and yet one likes to hear him speak it; and as for his English, he pronounces it so quick there is no possibility of following him."

In fact, Frederick was so pleased with the lofty discourse he held with his visitor that he addressed to him a rhymed epistle on the subject of liberty of thought in England which began with the words: "*L'esprit libre, Milord, qui régne en Angleterre.*"

To another correspondent Frederick wrote touching Lord Baltimore's visit, that "we talked much of philosophy, of art, of science, in short of all that can be included in the taste of cultivated people."

Carlyle, in his History of Frederick the Great, remarks that "for the sake of this small transit over the sun's disc, I have made some enquiry about Baltimore, but found very little, perhaps enough."

Walpole's estimate of him was less flattering than that of Frederick; he describes him as "a very good-natured, weak, honest man," and credits him with the possession of "a good deal of jumbled knowledge." [1] Lord Hervey bluntly puts it, in one of his letters to Horace Mann, "there is my Lord Baltimore, who thinks he understands every-

[1] Walpole's *Letters to Mann*, Vol. II, 176 (1843).

thing and understands nothing; who wants to be well with both courts, and is well at neither, and *entre nous* is a little mad."

Such were the somewhat conflicting opinions entertained by his contemporaries of the man to whom was restored the Proprietary government of Maryland. In truth, his reputation in England suffered not a little from his intimacy with the disreputable and dissolute Frederick Lewis, Prince of Wales. In 1731 he was appointed Gentleman of the Bedchamber to that Prince, and seems to have been employed by the later upon certain missions, and in intrigues, that were sufficiently discreditable to both. His reputation for an interest in science secured his election as a Fellow of the Royal Society, and he was member of Parliament, first for St. Germain's in Cornwall, and afterwards from the County of Surrey. In 1741 he was appointed Lord of the Admiralty and six years later Cofferer to the Prince of Wales and Surveyor General of his lands in Cornwall.[1] He died in 1751, a year before the Prince, whose favor he had continued to retain.

The Maryland Province, the government of which was restored to Charles, was a very different one from that over which his grandfather had exercised authority twenty-six years before. The charter was unaltered; Lord Baltimore was, on parchment at least, as his ancestors had been in fact, Absolute

[1] *Md. Hist. Soc., Coll. Calvert MSS., Docs.* 96, 97.

Lord and Proprietary. But all vestige of autocratic authority had been swept away. The lower house of Assembly no longer regarded its powers as limited by the charter, but adopted as its model the House of Commons. The latter had acquired great increase of power since the time of the Tudors and the Stuarts; why should they not also? Moreover they had been trained to resistance. The royal authority had been sought as a relief from that of the Proprietary, but when it was found to bear heavily, the means of resistance was found, a more active political life had been awakened, and the lesson of resistance once learned was not likely to be forgotten.

There was one clause in the charter which admirably served the purpose. In the tenth section of that instrument, it was provided as a special grace and privilege, that the settlers in the Province, and their children and descendants born there, should be regarded as natives of the Kingdom of England and Ireland, should be treated as such, with power to inherit or purchase lands in England, and likewise should possess all the privileges, franchises and liberties of the Kingdom of England, and enjoy the same in the same manner as the liegemen of the Crown born within the Kingdom of England.

These provisions were now seen in a new light. Upon the accession of William and Mary the English Parliament had embodied the constitutional

rights which they asserted, in a Bill of Rights, to remove forever the danger of the liberties of the people being invaded as they had been by the Stuarts. Divine right, or any right to the throne, other than that which is derived from the Act of Parliament, was swept away. The Maryland colonists were not slow to see that if under the charter of Maryland they were entitled to all the liberties and franchises of native-born Englishmen, an enlargement of the constitutional liberties of the people in England worked an enlargement of their own as well. But years were to elapse before these doctrines, although already at work, found expression in resolutions of the Assembly.

During the royal government the population of Maryland had but slightly increased. Some of the motives for immigration had been destroyed. Under the Proprietary government the Province had been a sort of haven of refuge for all who were oppressed upon religious grounds,—whether Roman Catholics or Protestant non-conformists. But upon the establishment of the Church of England the laws in relation to religious nonconformity became practically the same as those that prevailed in the mother country, though, as a matter of fact, the enforcement of the penal statutes upon this subject, as a result probably of long established custom in favor of religious liberty, was of rare occurrence.

In 1722, the disposition to extend to Maryland

the English common law and the statutes of that country, except those that were of obvious local application, found expression in a resolution of the lower house of Assembly extending to Maryland the operation of an English statute, contrary to the decision of the Provincial Court upon the subject. This action was dissented from by the upper house and disallowed by the Governor; but it marks the increasing tendency to ignore the strict provisions of the charter and fall back upon the law of England, a natural result of a quarter of a century of royal domination.

The most important subject of interest at this period, as affecting not only the rights of the Lord Proprietary, but the interests of the Province itself, and those of the future State which was to arise upon the final termination of the Provincial government, was the boundary dispute with the Penns—the sons and heirs of William Penn, the original grantee of Pennsylvania. The condition of that controversy upon the accession of William and Mary, and the probable escape of the charter of Maryland from abrogation, by the flight of James II., have been already referred to.

Mention has also been made of the unsuccessful efforts of William Penn to persuade the elder Charles, Lord Baltimore, to surrender a portion of Maryland so as to enable the former to gain a broad strip of fertile land, together with an outlet to navigable water at the head of the Chesapeake

Bay, and of the persistent refusal of Penn and his agents to join in an astronomical determination of the true location of the boundary by observations made on the spot. The grant to Penn of Delaware, or the three lower counties, as the region on the west shore of the Delaware Bay was called, was made by the Duke of York, who himself had no title to convey. But it was uphill work for Lord Baltimore to attack a grant made by the brother of the King and heir apparent to the throne, although the entire tract was included in Lord Baltimore's original patent from Charles I.

The question was referred at Penn's instance to the Lords of Trade. The grantor had then become King, and Lord Baltimore's chances of success were even less than before.

In the preamble to the charter of Maryland it was declared that the purpose was to establish an English colony in a region *hactenus inculta*,—hitherto uncultivated,—and partly occupied by savages. Then followed the grant in which the limits of the territory were defined. It was urged on Penn's behalf that the words *hactenus inculta*, although they in fact formed no part of a condition of Lord Baltimore's charter, excluded from its operation any lands occupied by civilized colonists, and that there were Dutch settlements on the western shore of the Delaware. It does not seem likely, even if the words quoted could be regarded as words of limitation, which they were not, that

it was any part of the intention of Charles I., who claimed for the British Crown the continent of North America by virtue of Cabot's discoveries, to include in the grant to Lord Baltimore a provision for respecting or confirming the title of Dutch settlers in any part of this domain. The subsequent grant by Charles II. of New Amsterdam to the Duke of York clearly shows that no such purpose or intention was recognized. As a matter of fact, at the time the charter of Maryland was granted there were no such settlements upon the west shore of the Delaware Bay. There had been a small settlement made by the Dutch in 1630, but the colonists were all killed the following year by the Indians; and the next to settle upon that region were Swedes, and not Dutch, who came in 1638, six years after the date of Lord Baltimore's charter. But neither facts, nor arguments, could overcome the more powerful considerations that Penn stood high in the favor of the King and that he earnestly desired an outlet and water way for his province of Pennsylvania. The decision was made therefore that a line should be run due west from Cape Henlopen on the Delaware, to the Chesapeake, and from the middle point of this line, one should be run north to the fortieth parallel and so divide the region in two, giving the eastern half on the Delaware to Penn, and leaving the western half on the Chesapeake still a part of Maryland.

After the proceedings instigated by Penn for the

purpose of annulling the charter of Maryland had come to an end upon the accession of William and Mary and the appointment of a royal governor for Maryland, some years elapsed before anything further was heard of the boundary dispute; but after the restoration of the Proprietary government it was revived, the disputants being then Charles, fifth Lord Baltimore, and John, Thomas and Richard Penn, sons of William Penn.

The disputed title, and doubt as to the location of the boundary, led to a condition of border lawlessness throughout the debatable ground. Tenants refused to pay rents or taxes, alleging doubt as to who was the lawful Proprietary and under what government they lived. Sheriffs took with them armed posses to enforce the payment of public dues, and occasionally the aid of the militia was invoked. The natural results ensued:—arrests, bloodshed and the burning of homesteads, reprisals, and all the incidents of border warfare. One of the sturdiest of the Maryland borderers was Thomas Cresap. He was a brave frontiersman and loyal tenant of Lord Baltimore. He built a blockhouse near the Susquehanna river, directly at the fortieth degree of north latitude, the limit claimed by Lord Baltimore for his northern boundary. It was an outpost of the Province.

This stout fighter aroused the special animosity of the Pennsylvanians. They invaded his house at one time and threatened to hang him. Upon

another occasion a large party surrounded it, set it on fire, and attacking the inmates as they fled from the flames, an affray followed in which one man was killed and several wounded, among the latter being Cresap, himself; and four persons, of whom he was one, were carried prisoners to Philadelphia.[1] The Pennsylvanians alleged that Cresap was seized for killing one of their men; while in Maryland it was claimed that he shot only in self-defense when his house was attacked and his life threatened. Samuel Ogle,[2] then Governor of Maryland, sought to obtain Cresap's release; and failing in this, directed the seizure of a number of the ring-leaders in the raid; which was accomplished by a posse of Marylanders. And so the strife went on, with violence on both sides, until in 1736 appeal was finally made to the Crown by the Maryland government, and an order in Council was issued commanding both sides to keep the peace, and that no further grants of lands should be made in the disputed territory until the location of the boundary should be fixed.

[1] *Md. Hist. Soc., Coll. Calvert MSS., Docs.* 320, 321.

[2] The Governors of Maryland after the restoration of the Proprietary authority were:—John Hart, 1715 to 1720; Charles Calvert (cousin of Lord Baltimore), 1720 to 1727; Benedict Leonard Calvert (brother of Lord Baltimore), 1727 to 1731; Samuel Ogle, 1731 to 1732; 1733 to 1742; 1747 to 1752; Thomas Bladen, 1742 to 1747; Horatio Sharpe, 1753 to 1769; and Robert Eden (brother-in-law of Frederick, Lord Baltimore), 1769 to 1776.

On May 10th, 1732, Charles, Lord Baltimore, entered into an agreement with John, Thomas and Richard Penn, sons of William Penn, as to the manner in which the boundary between Maryland and Pennsylvania should be determined.[1] By this agreement, which was executed in England, he practically surrendered all for which, in the boundary dispute, his ancestors had contended, and conceded to the Penns all that they had sought.

Nearly fifty years before, the Lords of Trade had directed that for determining the boundary of the three lower counties (or Delaware), a line should be run westward from Cape Henlopen to the middle of the peninsula lying between the Delaware and Chesapeake Bays, and thence northerly. The agreement purported to provide for just such a boundary; but material deviations were introduced. Attached to the agreement was a map, referred to and made a part of it, and admitted to be a true copy of those which had been sent over from America to the parties, by their respective agents in those parts, for their assistance and guidance.

The agreement then proceeded to define the boundary, and provided that the east and west line (constituting the southern boundary of Delaware) should begin at the place on the said map called Cape Henlopen, which lies south of Cape Cornelius;

[1] *Md. Hist. Soc., Coll. Calvert MSS., Doc.* 298.

thence to run to the exact middle point of the peninsula; thence northerly until it became tangent on the west to the periphery of a circle drawn at a distance of twelve miles from the town of Newcastle; thence a line to be run due north until it comes into the same latitude as fifteen miles due south of the most southern part of the City of Philadelphia; and thence due west; this last course to constitute the boundary between Maryland and Pennsylvania.

Of the map referred to, there are two printed copies in the possession of the Maryland Historical Society, and one, done in water colors, which is in all probability an original.[1]

Upon this map the cape at the mouth of the Delaware Bay, then, as now, well known as Cape Henlopen, is labelled Cape Cornelius, and about twenty miles down the coast on the Atlantic seaboard, a place which is appropriately known as False Cape, is falsely marked Cape Henlopen. From this map all such standards of measurement as lines of latitude and longitude, which might have arrested the attention of Lord Baltimore, were carefully omitted, but the lines proposed for the demarcation of the boundaries between Maryland on the one side, and the three lower counties (or Delaware) and Pennsylvania on the other, were distinctly drawn in red ink. These red lines,

[1] One of the printed copies has an endorsement showing that it was used as an exhibit in the examination of witnesses under commission at Philadelphia.

beginning on the east at the point "on the said map called Cape Henlopen," and which are especially referred to in the agreement, are those which in 1732 Lord Baltimore assented to as defining the boundaries of Maryland. Sixty years earlier a map of Maryland had been prepared by Augustin Herrman, whose services in the making of it had been accepted by Cecilius, Lord Baltimore, in payment for the grant to him of Bohemia Manor. Herrman's map was engraved and published in London in 1673, by Faithorne, an engraver of high reputation. This map was well known, and its accuracy is remarkable. Modern surveys have made but small corrections upon the portions which relate to the coast, the bay, and the tidewater region. Upon this map the location of Cape Henlopen, then as now situated directly at the entrance to Delaware Bay, and the position of the Susquehanna Fort already mentioned as marking the northern boundary of Maryland at the fortieth degree of north latitude, were distinctly given. In addition to this many other maps of the Province had been printed and published.[1]

It is to be observed that by the terms of this agreement Lord Baltimore consented that the line

[1] For convenience of reference and comparison, there are printed with this volume, a facsimile of the map above described upon which Cape Henlopen is falsely marked, and also one of a portion of Herrman's map, showing the eastern part of the Province. These maps are reproduced by permission of the Maryland Historical Society from its publication designated as *Calvert Papers*, No. 2.

should be run, not from Cape Henlopen, as the Lords of Trade had directed, but from "the place on said map *called* Cape Henlopen *which lies south* of Cape Cornelius," thus admitting the existence of a cape known by the latter name. After the map had served its purpose, Cape Henlopen returned to its proper place, the same which it had previously, and has subsequently occupied, and the mythical "Cape Cornelius" vanished from the face of the earth, and from the maps thereof.

The northern boundary of the Province of Maryland was by the charter distinctly fixed at the fortieth degree of north latitude, which passes north of Philadelphia; so that that city is situated within the territory originally granted to Cecilius, Lord Baltimore. The fortieth degree had all along been insisted upon, and the motive of the Penns in persistently refusing to unite in the determination of its location by astronomical observation is sufficiently plain.

How Charles, Lord Baltimore, could have been so ignorant of the geography of his Province, or so misled as to the location of its boundaries, the position of such a well known point as Cape Henlopen, and of other conspicuous physical features, such as rivers and headlands that were misplaced upon the map, and hence to sign an agreement by which the southern boundaries of both Delaware and Pennsylvania were moved about twenty miles to the southward, thus reducing the

area of Maryland by a strip of that width along its entire northern border, is a mystery which cannot now be solved. His grandfather had been asked by the elder Penn to name a "gentleman's price" for a concession much less in extent than the one which was now made without consideration to the younger Penns.[1]

In the agreement, the map atached to it was described as a true copy of those sent over from America to the parties to the agreement by their respective agents. That it, or one like it, was sent or approved by any agent of Lord Baltimore in Maryland is incredible. There was a Surveyor General of the Province; the location of the fortieth degree of north latitude, the northern boundary as defined by the charter, had been ascertained and was well known; while Cresap and others had settled along the northern frontier for the express purpose

[1] Maryland also lost a large tract of territory to Virginia, through ignorance of geographical features on the part of the first settlers. Maryland's western boundary was to be fixed at the longitude of the first fountain of the Potomac, the southern boundary to follow the south bank of the river. The north fork was adopted as the boundary, but later it was ascertained that the south fork was the longer, and that therefore Maryland was entitled not only to a boundary further west, but also to all the fertile land lying between the two branches of the river. The questions in relation to the right to this wide territory were not settled until 1852, when Maryland relinquished her claims in favor of Virginia. The exact location of the boundary upon Maryland's western border has not yet (in 1904) been definitely determined.

of maintaining possession in the name of the Proprietary of Maryland, and had been bravely fighting to that end.

After the death of Charles, Lord Baltimore, his brother, Cecilius Calvert, was appointed Secretary of Maryland to reside in England and act for the heir, Frederick, during his minority. He wrote in 1752 to Edmund Jennings, the Deputy Secretary resident in Maryland, that the map attached to the agreement had been prepared by the Penns, and that the late Lord Baltimore had been greatly deceived and imposed upon therein.[1] It is certainly inconceivable that he should have knowingly accepted a map so palpably inaccurate, and the adoption of which was so prejudicial to his own interests.

Within less than a year after signing the agreement with the Penns, Lord Baltimore visited Maryland for the purpose of adjusting various questions affecting the Province. He was reasonably successful in composing for the time the disputes that had arisen between the upper and lower houses of the Assembly, and it was not long before he discovered, or had pointed out to him, the blunder that he had made in signing the agreement with the Penns. When he recognized how great a sacrifice of territory he had assented to, Lord Baltimore refused to carry out the terms of

1 *Md. Hist. Soc., Calvert Papers,* No. 2, p. 135.

the agreement, and in 1735 the Penns instituted proceedings against him to compel performance on his part; but the case dragged along. By reason of the death of one of the Penns, and the delays incident to chancery proceedings, a final decision was not reached until 1750. It was at last rendered by Lord Chancellor Hardwicke, by whom the contention of the Penns was sustained in every particular. The reasoning of the decision was in substance that Lord Baltimore, having entered into an agreement for the purpose of settling a disputed question would have to abide by its terms; that he was presumed to know the bounds of his Province; and as to the fraudulent location of Cape Henlopen on the map, the Chancellor calmly ignored all evidence, and decided that for the purposes of this case, it must be deemed and taken to be where the parties to the agreement had said it was. The decree provided that commissioners should be appointed and the boundary surveyed.[1]

Upon the death of Charles, Lord Baltimore, on April 24th, 1751, shortly after this decision was rendered, the title and estates devolved upon his son Frederick, who was then a minor.

The minority of Frederick prevented further action for the time, and more than ten years elapsed before measures were taken for the actual determination of the boundary as prescribed. Then

[1] *Md. Hist. Soc., Coll. Calvert MSS., Docs.* 444, 446.

two distinguished astronomers and mathematicians, Charles Mason and Jeremiah Dixon, of England, were engaged to survey and mark the boundary. They began the survey in 1763, and continued their work until 1767, when, as they proceeded westward, they were stopped by the activity of hostile Indians. In the meantime, they had completed the location of the line on the peninsula, and projected the east and west line, which marked the northern boundary of Maryland, two hundred and forty-four miles west from the Delaware. As directed by the decree in chancery, this line was substantially marked by hewn stones, set up at every mile, and at the end of every fifth mile larger stones were placed having sculptured on the one side the arms of Lord Baltimore, and on the other the arms of the Penns;[1] except that in steep places and on mountain sides, mounds of stone were substituted. Many of these boundary stones are still in position, and the trees having been felled for a broad strip,—right and left of the line,—the location of the boundary is to-day still further indicated through the western and forest portions, by the colors of the foliage upon the younger growth of timber that has come up, contrasting with that of the primeval forest by which it is bordered.

[1] One of these stones, which had been thrown down, is now preserved at the rooms of the Maryland Historical Society.

Such was the origin of Mason and Dixon's line—run nearly a century and a half ago to settle a dispute then nearly a century old, between two proprietaries whose respective domains were destined to pass forever from their control in less than a decade from the completion of the survey;—a line which a century after its establishment became famous, and its name familiar throughout the land, as the assumed boundary between the States in which African slavery was lawful, and those in which it was prohibited.

During the lifetime of Charles, Lord Baltimore, the requisitions of the Crown upon the American colonies for troops and money were frequent, and the lower house of the Assembly in Maryland persisted in finding means for withholding the supplies, by coupling to the appropriation bills conditions which the upper house would not accept. They were generally framed so that the duties levied for the use of the Proprietary should be reduced by an amount sufficient to offset the levy made for the Crown. There was also manifested an indisposition to furnish men to fight the French and Indians on the Canadian frontier, the brunt of whose attacks fell upon the New England colonies, when hostilities nearer home might at any time be apprehended.

The people of Maryland were not, however, altogether unmindful of the royal mandates. It was during this period that what has since become

known as the imperial policy of England first began to take shape, and a call was made upon her American colonies for troops to serve in foreign war beyond the limits of the North American continent. Troops were demanded for service in the tropics in the war with Spain. In 1740 Maryland furnished three companies of infantry for this purpose, which were sent to the siege of Cartagena, a city and port in what is now the Republic of Colombia, close to the Isthmus of Panama. The sad, the pitiful, story of that campaign, in which the tropical fevers and the imbecility and jealousies of rival commanders combined to waste brave lives, is apart from our subject. The survivors from that expedition were few in number.

On one occasion when troops from Maryland had been sent to Albany, the Maryland Assembly emphatically refused to vote an appropriation to provide for their maintenance, claiming that having furnished the men, equipped them, and provided for their transportation, they had done all that could be required of them. The troops, they contended, were in the service of the Crown, and the royal government would have to provide for them. This illustrates the temper which was developing, and which in later years found expression in more pronounced resistance to the demands of the Crown, as these came to be more keenly felt as encroachments upon the rights of the colonies, while the

colonies became stronger either to help or to defy.

Frederick the sixth and last Lord Baltimore was born February 6th, 1731/2. His guardians, during the brief period of his minority which remained after his succession to the title, were John Sharpe, Esq., a barrister, and the Right Honorable Arthur Onslow, Speaker of the House of Commons.

History records little, if anything, concerning Frederick, that is to his credit. He travelled extensively upon the continent of Europe and also visited Constantinople and the Orient. He was infinitely conceited, and,—ambitious of being esteemed a man of letters,—he wrote a ridiculous book of travels, and several still more ridiculous volumes of verses. The book of travels was reviewed in the *Gentleman's Magazine* for 1767. The reviewer made merry with his subject and after quoting a number of absurd and ungrammatical passages, closed his criticism with the observation that "it is to be regretted that in this book there is not one event, description or remark worth recording." Frederick also apparently essayed science; for we learn from the correspondence between him and his uncle, Cecilius Calvert, that in 1764 he wrote for his globes and telescopes to be shipped to him at Smyrna.[1]

His travels on the continent happened to be coincident in date with those of Laurence Sterne,

[1] *Md. Hist. Soc., Calvert Papers*, No. 2, p. 217.

who found in Lord Baltimore subject for comment in *A Sentimental Journey*. Sentiment formed no part of Frederick's composition, and he is thus characterized by Sterne:—"Mundungus," he says,—(that being a name for one of the lowest grades of Maryland's staple product, tobacco, which Sterne adopted as a designation for his Lordship,)—"Mundungus, with an immense fortune, made the whole tour, going from Rome to Naples, from Naples to Venice, from Venice to Vienna, to Dresden, to Berlin—without one generous connection, or pleasurable anecdote to tell of; but he had travelled straight on, looking neither to his right hand nor his left, less Love or Pity should seduce him out of his road. . . . Peace be to him if it is to be found, but were the happiest mansion in Heaven to be allotted, he would be so far from being happy, that his soul would do penance there for all eternity." [1] Such is the sketch drawn of him by a contemporary who was not lacking in powers of observation, discrimination and description.

Frederick was married in 1753 to Lady Diana Egerton, daughter of the Duke of Bridgewater. There are among the Calvert Papers now in the possession of the Maryland Historical Society a number of letters which passed between her and Frederick, both before and after marriage.[2] In this

[1] Sterne: *A Sentimental Journey*; In the Street,—Calais.
[2] *Md. Hist. Soc., Coll. Calvert MSS., Docs.* 1153 et seq.

correspondence her Ladyship appears to much the greater advantage, not only in form and manner of expression, but also in handwriting and spelling. His epistles are slovenly productions, full of blots, alterations and erasures. The affection which he effusively expressed was not of long duration. They were separated by agreement, in May, 1756, the cause assigned being what is now known as "incompatibility of temper." Lady Baltimore died in August, 1758, having for some time been an invalid from a disorder in her back, resulting, it is said, from being thrown from a carriage while driving,—taking an airing, the account has it,—with her husband.[1]

It is pleasant to note that at the time of her death, her step-father, Sir Richard Lyttleton, who had married the Dowager Duchess of Bridgewater, wrote to Lord Baltimore, testifying to the affection of Lady Baltimore for him, which had been particularly shown throughout her final illness.[2] It was after the death of Lady Baltimore that Frederick made the tour of the continent of Europe and the Levant, during which he aroused the scorn of the author of *A Sentimental Journey*.

During the war with France, Maryland gave but little assistance to the Crown or the sister

[1] Scharf: *History of Maryland*, Vol. II, p. 137. *Md. Hist. Soc., Coll. Calvert MSS., Doc.* 1207. (Letter of Earl of Essex, August 25, 1758.)

[2] *Md. Hist. Soc., Coll. Calvert MSS., Doc.* 1203.

colonies in the conduct of the campaign. This was due, partly, to the fact that the territory of Maryland being strictly limited to a definite area, there was nothing to be gained for the Province, by pushing the frontier of the English possessions westward beyond the Ohio and to the French settlements on the Mississippi; but chiefly, to the constant disagreements between the upper and lower houses of Assembly and the disaffection of the latter to the Proprietary. When Colonel George Washington was despatched from Virginia in 1753 to march upon the French at Fort DuQuesne, the Maryland Assembly in spite of the urgent appeals of Horatio Sharpe, the Governor, refused to contribute either troops or money. Later, when bills were passed by the lower house for raising money for defence, they were coupled with conditions which it was known the upper house would have to reject, such as the appropriation of the money paid for licenses of ordinaries (which was one of the Proprietary's personal sources of revenue), the levying of taxes on vacant lands,—which would result in a direct tax on the Proprietary's unproductive property,—and a double tax on Roman Catholics. Measure after measure of this nature was passed by the lower house and rejected by the upper. Finally, after Braddock's defeat, and with the western part of the Province in a state of terror from the raids and murders committed by the Indian allies of the French, Governor

Sharpe consented to an act appropriating money for fortifications, and for rangers to be maintained on the western frontier, in which the objectionable provisions in respect to the levying of a tax on the Proprietary's manor lands, and the appropriation of the money from licenses were contained. The exigencies of the occasion were certainly such as to justify a voluntary concession and contribution to the defence of the Province on the part of Frederick, Lord Baltimore; but he was not so minded. His father had assented to the appropriation of the revenue from licenses of ordinaries for military expenses in 1740, upon the occasion of the expedition against Cartagena; and again, in 1746, for the expedition against Canada; but Governor Sharpe's action in consenting to a continuance of this appropriation under circumstances infinitely more urgent, excited Frederick's wrath. Governor Sharpe explained and defended his action in a long letter[1] to his brother, John Sharpe, of London, who had been Lord Baltimore's guardian and was then his counsel.

A century before, Cecilius, Lord Baltimore, had expended a fortune in the planting of Maryland, from which he himself received no corresponding returns whatever. His descendant, Frederick, it was admitted, enjoyed from this heritage at the time of his marriage in 1753, a yearly revenue

[1] *Archives of Md.*: *Corr. of Gov. Sharpe*, Vol. I, p. 424.

of £9,500,[1] and at the time of his death in 1771, the amount had increased to £12,000. He was, however, selfish and extravagant, cared nothing for Maryland except as a source of revenue, and nothing would he concede, either to relieve the burdens of his tenants, or to defend his own interests.

He never visited Maryland, though he travelled widely elsewhere; and his correspondence with Governor Sharpe related to but few themes. He constantly urged that the collection of rents be pushed, and manifested a suspicion that he was not getting all that was due to him, or that had been collected by his agents. At the same time he made frequent demands for the appointment of kinsmen and favorites to lucrative offices, and curiously enough, for benefices for clergymen whom he sent out; and his acquaintance seems to have included some of the most disreputable members of that profession, reverend gentlemen whose departure from England was apparently the one thing that was in that country urgently required of them. Frederick's dispensation of church livings did not tend materially to promote the cause of religion, or to increase, through its representatives, respect for the Church of England. It is not impossible that in the sale of church

[1] *Md. Hist. Soc., Coll. Calvert MSS., Doc.* 953.

livings this thrifty spendthrift discovered a new source of revenue.

In 1768, Frederick was tried at the Kingston Assizes for an infamous crime, his accuser being a young London milliner. He was acquitted, not, however, as Mr. Fiske says,[1] upon a technicality, but because the evidence, however damaging, was in some respects inconsistent, and under the strict rules of evidence applicable in criminal cases, and with rather lenient instructions from the court, the jury found it not sufficiently conclusive to sustain a conviction of felony. It is to be observed that the trial was held in the County of Surrey, where Lord Baltimore had large landed estates and therefore a numerous tenantry, and that an acceptable jury was not obtained until after his right of challenge had been very freely exercised.[2] Though acquitted in court, he was convicted at the bar of public opinion; and the testimony elicited at the trial would have been quite sufficient to destroy his reputation, if he had had any to lose. The news of the charge against him, and of the trial, extinguished in the Maryland Province whatever vestige of regard or loyalty remained for the Proprietary, whom the people had never seen, and whose exactions had been long resented.

His death occurred in Naples, September 14th, 1771. A contemporary account of his funeral

[1] Fiske: *Old Virginia and her Neighbors*, Vol. II, p. 172.

[2] *Gentleman's Magazine*, Vol. XXXVIII, pp. 142, 180.

says "the remains of the late Lord Frederick Baltimore, who died abroad, were carried from Exeter Exchange in the Strand, where they had lain in state, in order to be interred in the family vault at Epsom. His Lordship had injured his character in his life, by seduction, so that the populace paid no regard to his memory when dead, but plundered the room where the body lay the moment it was removed." [1]

Frederick, Lord Baltimore, left no legitimate offspring; and in anticipation of this event, he had been assiduous in his efforts to break the entail created by his father's will. Under that instrument, upon the death of Frederick without heir, the title of Baron of Baltimore being then extinct, the Proprietorship of Maryland was to pass to Frederick's eldest sister, the Honorable Louisa Browning, wife of John Browning, Esq. In his efforts to defeat this reversion, Frederick devised the Province to his natural son, Henry Harford, whom he described in his will as "a certain youth called or known by the name of Henry Harford, the son of Hester Wheland, of the Kingdom of Ireland, born in Bond Street, and now of the age of nine years or more." [2]

Proceedings in chancery were instituted against the executors of Frederick's will, in order to assert

[1] *Gentleman's Magazine*, Vol. XLII, p. 44.

[2] Scharf: *History of Maryland*, Vol. II, p. 137.

the rights of Mrs. Browning under the will of her father; and thereupon the executors,—one of whom, Robert Eden, the husband of Caroline, Frederick's younger sister, had succeeded Horatio Sharpe as Governor of Maryland,—immediately caused the young Henry Harford to be proclaimed as Proprietary, and secured his recognition by the Assembly of Maryland.

But it was not for long. The history of the remaining years of the colonial period is filled with the story of the various attempts of the British Government to exact revenue from the colonies, the stamp act, the duty on tea, and the resolute attitude of the colonies in resistance of those attempts. Not least in the spirit of determination, though perhaps the least proclaimed, are to be noted the actions in Maryland—the proceedings of the courts without stamped paper, when stamped paper was by act of Parliament required, and the burning at Annapolis, in open daylight, without attempt at disguise on the part of the actors, of the brig Peggy Stewart with her cargo of tea. But these events belong to the history of the revolutionary, rather than of the colonial period.

Estranged from the proprietary government, and now aroused to resistance to royal authority by the encroachments and exactions of Parliament, Maryland was ready to take part, a distinguished and gallant part it proved, in the American Revolution. The proprietary Governor, Eden,

withdrew from the Province, peaceably, and personally esteemed; and the formation of an independent State began.

Eventually, the case of Mrs. Browning against the executors of the will of Frederick came on for a hearing before the High Court of Chancery; but in the meanwhile the United States of America had declared themselves independent; and the Lord Chancellor declined to go on with the hearing, on the ground that it would be only a waste of time, as let the Province belong to which it would, he had no power to give the rightful owner possession.

We have briefly reviewed during the past four weeks the characters and careers of the six Barons of Baltimore.

In George, the first Baron, was recognized a man of wisdom, character, and indomitable industry, who, from a comparatively modest station, arose to one of prominence and influence, and boldly projected the foundation of a new colony in the new world.

Cecilius, the second Baron, evinced a broad-minded liberality and statesmanlike ability; and therewith, infinite patience and tact, besides unfailing courage, amidst constant difficulties and discouragements. His character was such as to command admiration.

Charles, third Baron, sought to walk in his father's footsteps, but fell very far short of him in ability and liberality of mind. He also was

beset with difficulties, but he was less skilful than his father in meeting and overcoming them.

Of Benedict Leonard, fourth Baron, we know little except that his change of religious faith resulted in the restoration of dominion over the Province to his son.

Charles, fifth Baron, was characterized by weakness and vanity, manifested alike, in his career as a courtier, his relations with the Province, and his dealings in connection with the boundary disputes.

Of Frederick, sixth and last Baron, a selfish, disreputable and dissolute degenerate, neither ability nor character was even respectable.

It is to be observed with respect to the six Calverts who successively held the title of Baron of Baltimore, as it was transmitted from father to son, that the first three appear, so far as records can indicate, to have been happy in their domestic lives; while the last three were, each of them, either separated from their wives, or divorced.

It is perhaps noteworthy, that the earlier Barons, sprung from the country gentry, or perhaps the sturdy yeomanry, were distinguished both for ability and elevation of character. The distinct degeneration of the line, whether resulting therefrom, or merely coincident therewith, is to be recognized from the time of the infusion of the royal blood of the Stuarts, derived through the granddaughter of Barbara Palmer, Duchess of Cleveland and mistress of Charles II.

"*Le sang le plus vicié, le plus épuisé, le plus pauvre . . .*," these are the significant words used by Daudet in *Les Rois en Exil,* to describe the physical condition of a young prince, the last of a royal line. The student of vital statistics would note one fact which is to be gathered from the dates of the birth and death of the several Lords Baltimore. The duration of the lives of the first three Barons was fifty-two, sixty-nine and eighty-five years respectively, an average of nearly sixty-nine,—almost the three score years and ten allotted to man. The ages at death of the last three were thirty-seven, fifty-two and thirty-nine,—an average of forty-three years. The degeneracy was apparently physical, as well as moral and mental.

LECTURE VI.

Manners and Customs. Social and Economic Conditions in Maryland During the Colonial Period.

WHEN in March, 1634, the first colonists of Maryland, in the Ark and the Dove, ascended the Potomac River, and made their landing at Heron Island, upon which the name of St. Clement's was bestowed, they were about to make the first permanent settlement of Anglo-Saxons within what are now the borders of Maryland. Traders from Virginia had visited the region before, and a trading post had been established at Kent Island in the Chesapeake; but of permanent settlements or plantations there appear to have been none. The cession of a site for a town upon the mainland having been obtained from the Indians, who yielded some of their own houses for the occupancy of the colonists, there were then laid out and established the limits of a town,[1] upon which was bestowed the name of St. Mary's, a city now faded from the map, but which was for sixty years the seat of government of the Province.

[1] *Md. Hist. Soc., Calvert Papers*, No. 3, p. 41.

These first settlers had the primeval forest with which to deal, wherein, as we learn from Father White's Relation of the Voyage to Maryland, "all was high woods except where the Indians had cleared for corne." [1] Of roads there were none, though, as the same narrator tells, along by the borders of the river (and his knowledge at the time of writing extended no farther) "the woode was not choaked up with undershrubs, but commonly so farre distant from each other as a coach and fower horses may travale without molestation." But for a long time, in fact for nearly a century, the need for roads as a means of communication and transportation was not felt: the settlements, the plantations, were established along the bay shores, or upon the banks of the numerous rivers tributary thereto, and communication from one end of the settled portion of the Province to the other was swift and easy by means of the barges, pinnaces, skiffs and canoes,—forerunners of the pungies, bugeyes and skipjacks of to-day,—which sped from landing to landing, and from shore to shore. The colony was like a new world Venice, laid out upon a magnificent scale as to distance, though wholly lacking in the other forms of magnificence, and beauty of architecture, by which the old world republic was distinguished.

The conditions of life were naturally, or rather necessarily, those of a colony in the wilderness.

[1] *Ibid.*, p. 45.

The earlier habitations were rude structures of logs and boards. It was not until nearly a century had elapsed from the foundation of the colony that manor houses of fine proportions and with distinct beauty of design,—in a style of architecture which, from the period of the erection of these mansions, has come to be known in this country as "Colonial,"—began to find place. Meanwhile, though the settlers had nature to struggle with, they found it nature in a kindly and responsive mood. The land was fertile, while the woods abounded with game, and the water with fish, ready to the hand of the huntsman or the fisherman. The woods were filled with deer, and other, smaller, animals fit for food,—while beavers, otters, musk-rats and wild cats, of which the fur was greatly valued, were plentiful. Bears and wolves appear also to have been near neighbors, though not highly esteemed as such. On the bay were swan, geese and ducks innumerable; the latter we are told by an enthusiastic writer, in "millionous multitudes,"—an alliterative expression which does not seem like an exaggeration to any one who has seen the myriads of wild ducks which but a few years ago swarmed in the Chesapeake and the neighboring rivers, even after the construction of telegraph lines across British North America had led to the invasion of the breeding haunts of the ducks, and in spite of the frequent whistle of the many steamboats plying the waters of the bay,

and the multiplication of shooting clubs upon every available point, which contributed to make the wild fowl, during their annual winter flight to the south, yet wilder and more rare.

The industry of the colony was from an early date applied to the cultivation of tobacco; a product which became the staple, the source of wealth, the measure of value, the medium of exchange, and ultimately, the bane of the Province. The lower or river portion of the colony, and the regions bordering upon the waters of the bay on both the eastern and western shores soon became devoted to tobacco culture. At first, as it began to take its place in commerce as an actual agricultural product of the soil, succeeding to the traffic in pelts and furs which were the first articles of export from the colony, the raising of tobacco proved a profitable venture; but the natural result, of over-production and consequent deterioration in quality, soon followed. It was required by law, that all planters should raise a certain amount of corn, according to the numbers in their households; but legal requirements upon this subject were of no avail. Tobacco, for lack of a better currency, came to be used as the medium of exchange in the Province. Values were expressed at so many pounds of tobacco; taxes were levied and paid in tobacco; fines were made payable in the same commodity; as were also the fees for the support of the public officers of the Province. Except

for a small amount of coins, of various nationalities, and generally more or less debased by clipping, tobacco formed the standard currency of the Province. The inconvenience resulting from a lack of current money was strongly felt. At one time Cecilius, Lord Baltimore, attempted to supply this lack by the issue of a coinage of his own, exercising therein the right of coining money or establishing a mint, which he claimed under his charter as the prerogative of a Count Palatine possessing all the powers that had ever been held or exercised by any Bishop of Durham.

Lord Baltimore sent samples of the coins, a shilling piece, a sixpence and a groat, to the Governor (Josias Fendall) and Council, with a letter dated September 29th, 1659, in which he recommended that this money be made current by proclamation, for payments upon contracts or causes arising after a certain date to be specified; and that an Act of the Assembly be procured providing for the punishment of counterfeiters of the coins. He also asked the advice of the Council concerning the use of the coin, and the encouragement given to it.

With characteristic fairness, Cecilius wrote a few days later, October 12th, 1659, to his brother, Philip Calvert, who was Secretary of the Province, informing him that the samples of coins had been forwarded, and explaining that he had taken this course because he had been assured that the coins

would be acceptable. But he added, that though the adoption of this currency would in his judgment be a very great advantage to the colony, yet it must not be imposed upon the people but by a law there made, by their consent, in a General Assembly. And he asked that this letter be shown to the Governor and Council.[1] But little of this coinage seems to have been issued, and specimens of it even are rare. There are a few pieces preserved in the collection of the Maryland Historical Society. These coins were struck in England, where question was promptly raised as to Lord Baltimore's authority to coin and export money. But the matter does not seem to have been pressed. In 1661 the Assembly of Maryland passed an Act praying the Lord Proprietary to set up a mint in the Province and providing for the acceptance of the coin and the punishment of counterfeiting and clipping.

It was not until 1733 that an issue of paper currency was made. The amount was £90,000. It is interesting to note that in this period of general ignorance upon financial questions, more than adequate provision was made for the redemption of this currency, and, though it was at times depressed in exchange value, its ultimate redemption, with a surplus left in the sinking fund of £35,000, placed the financial credit of Maryland pre-eminent among the American colonies.[2]

1 *Md. Archives*: *Proc. of Council*, 1636-1667, pp. 383-385.

2 *Md. Archives*: *Corr. of Gov. Sharpe*, Vol. III, p. 251.

But the old craze, old as well as new, in respect to the issue of paper money, and the increase of currency, was as malignant a disease two hundred years ago as it has lately proved to be. The theory of this economic heresy was the same then as now. Tobacco served as currency, and therefore as money. Current money, it was believed, represented wealth; therefore the more tobacco the more wealth. That the quality of the currency, or its quantity and value, as measured against the commodities for which it was to be exchanged, had anything to do with the matter, was no better appreciated then, by the planters of Maryland, than it has been in some modern schools of financial and economic science, falsely so called.

The effect, the result, was natural. Every one rushed to planting tobacco. Complaint was made that artisans who had come to the Province, instead of "practising their mysteries," had devoted themselves to tobacco planting, and hence articles which were produced by handicraft, notably the useful and indispensable item of leather,[1] that is, cured and dressed hides, had become scarce and costly;—and meanwhile the price of Maryland tobacco, as a result both of over-production and deterioration in quality, steadily declined.

Repeated efforts were made to restrict the pro-

[1] *Md. Archives: Proc. of Council*, 1667-1687/8, p. 457.

duction, and, impose a standard of quality to be determined by official inspection, as was the case in Virginia. But several difficulties stood in the way. With the exception of St. Mary's, the seat of government, which was a city in name only, there were no cities, and no marts of trade. Ports of entry there were, but they were mere landings or places for the lading of vessels. Some of the old landings, still so designated, have, through the gradual filling up of the river channels, been now left far from navigable water.

There were no warehouses in which tobacco sufficient for a cargo could be accumulated, and consequently the shipments of tobacco were most easily and most cheaply made by rich planters, who had estates bordering upon navigable waters with landing places of their own. Planters seated back from the water had to have their products conveyed to places of shipment, and this was ordinarily done by the simple process of inserting a pole, as an axle, through the tobacco hogshead, which, serving itself as a roller, was tediously hauled in this manner by oxen to the nearest landing. Hence the name of "rolling roads,"—once familiar in Maryland as a designation of the roads over which this primitive system of transportation was conducted, but now being fast superseded by titles which indicate an utter indifference to historical association. Not far from this city, a

highway across a portion of Baltimore County, and terminating at Elkridge Landing, which from its ancient use was for two centuries known as the Rolling Road, has lately, in accordance with modern fashion, been renamed with the more pretentious title of Catonsville Avenue. By such processes, old things pass away and all things are made new.

The abundance of unoccupied or vacant land in Maryland, and its cheapness, led to a thriftless mode of cultivation, the effects of which have left their mark to this day upon the lower or river counties of the State. As land became exhausted, fields which had ceased to be profitable were merely abandoned and fresh land brought under cultivation.

The earlier attempts to restore the value of the staple took shape only in efforts to limit production. But this was recognized as useless without the co-operation of Virginia, where the crop ripened earlier, and conditions acceptable to both colonies were difficult to arrange. The plan was moreover bitterly opposed by the lower house of Assembly for the reason that it would impose a hardship on the smaller planters who could not forego their sole means of livelihood, reduced as it was in value. And when an Act was eventually passed upon the insistence of the upper house, forbidding tobacco planting for a year, Lord Baltimore himself (it was Charles, third Baron) disallowed the

Act upon the very ground that had been urged by the delegates,—that it would impose an excessive hardship upon the smaller landholders.[1] Meanwhile the merchants began to complain of the lack of shipping facilities, the detention of their ships while the cargoes were gotten together by the slow process of rolling, and the exhausting labor imposed on the sailors who were required to help in the process.

Another and serious difficulty attending every effort to secure the raising of the standard of tobacco was the fact that the fees of public officers, and later, the tax for the support of the clergy of the Church of England, were payable in tobacco. The Assembly, to avoid a gratuitous increase in the compensation of these gentlemen and officials, not unnaturally insisted that if the quality, and consequently the money value, of tobacco were raised, there should be a corresponding reduction in the amounts to be paid for fees and taxes. This was strenuously opposed by those whose incomes would be affected, and it was not until 1747 that, a compromise having been affected, a law was passed fixing the standard of tobacco, providing for official inspection, and imposing heavy penalties for false packing, and the mixing of trash leaves among the finer grades.[2] The result was a prompt

1 *Md. Archives*: *Proc. of Council*, 1667-1687/8, pp. 5-9, 15-20.

2 Mereness; *Maryland as a Proprietary Province*, p. 117. *Maryland Gazette*, July 14, 1747.

advance of fifty per cent. in the price of Maryland tobacco.

Among the institutions which obtained in Maryland during the earlier colonial period, there was one that is worthy of note on account of its direct relation with a very ancient form of communal or political organization:—perhaps one of the earliest Anglo-Saxon institutions of which we have knowledge.

By the terms of the charter the Lord Proprietary and his heirs were empowered to constitute courts, appoint judges and do all things necessary for the administration of justice and preservation of the peace, and they were also specially authorized to erect any parcels of land into manors, and therein to hold a court baron; and to have and keep view of frank pledge for the conservation of the peace and better government of the colony.

The judicial system of the Province was gradually developed, beginning with the Provincial Court, and eventually, as counties were successively erected, county courts were established. But the peculiarly interesting feature in the evolution of institutions is the manorial court or court baron. Under the conditions of plantation prescribed by Cecilius, any settler who should take up as much as 2000 acres of land with an adequate number of tenants or servants, was entitled to rank as lord of a manor, with all the rights belonging to that rank, chief among which was the privilege of having

matters of dispute arising within the precincts of the manor decided by the manorial court or court baron.

According to Blackstone, manors, with the appurtenant authority to hold a domestic court called a court baron for settling disputes, redressing misdemeanors and nuisances within the manor, are as ancient as the Saxon constitution. Closely connected with the courts baron in ancient institutions, but still more ancient, was the court leet. This latter was composed of the assembly of the whole community, the residents of the district, and was not limited to the tenants of the manor. The principal matters dealt with were the view of frank pledge, that is, the production and inspection of sureties given for keeping the peace, and the presentment and punishment of offences. This court came eventually to be styled merely the view of frank pledge,[1] as expressed in the Maryland charter.

[1] The jurisdiction of the court baron, the court of the landlord, extended only to tenants of the manor. The court *leet* was the popular court, the court of the people. *Cf.* the German *Leute*. The rather meaningless name "view of frank pledge" by which the court came eventually to be known, is supposed to be due to an error in translation by the Norman lawyers when struggling with the names of Saxon institutions. It is presumed that they confounded the Saxon words for "peace" and "free," corresponding to the German *Friede* and *frei*, and hence mistranslated "peace pledge" as "free," or "frank pledge." Blackstone, *Commentaries*, Bk. II, p. 90; Bk. III, p. 33, et seq. Digby, *History of the Law of Real Property*, p. 54, note.

The advantage to an agricultural people of the manorial courts, where disputes could be settled promptly and on the spot, without the expense of going from home, is obvious. The records of some of these courts in Maryland have been preserved, so that we have a clear view of the working of this ancient Saxon institution in the new world. The court was organized with all due formality, with constable, a jury composed of freeholders and leaseholders, officers, and the steward of the manor presiding.

It is recorded that at a court baron held March 7th, 1656, at St. Gabriel's Manor, by the steward of the lady of the manor (Mistress Mary Brent), one Martin Kirke took of the lady of the manor, in full court, by delivery of the steward by the rod, according to the custom of the manor, a certain tenement. This delivery of possession by the rod, — a ceremony in which the steward holding one end, and the tenant the other, the relation of landlord and tenant was established in the presence of witnesses, and the rod being then broken, the steward and tenant each retained, as evidence of the transaction, a piece of the rod, — is very ancient, long antedating a general knowledge of reading and writing and the consequent use of written contracts of lease. It is similar to the ancient custom of "livery of seizen" whereby possession was given on the premises by the delivery of a piece of the sod or turf.

Interesting records of a court leet and court baron, held at St. Clement's Manor, at intervals from 1659 to 1672, preserved in the collection of the Maryland Historical Society, which show the nature of the cases disposed of, and the amounts of fines imposed, were printed with Mr. John Hemsley Johnson's paper on *Old Maryland Manors*, published in 1883 by the Johns Hopkins University.[1]

As the country became more thickly populated, and many of the old manors were destroyed by partition and sale of the land, the manorial courts were gradually discontinued, and all matters of dispute were brought within the jurisdiction of the magistrates or the county courts.

The labor in Maryland was from the beginning of the colony supplied by what were called "indented servants," who later come to be known as "redemptioners." These were persons who, desiring to go to the new world, bound themselves, in consideration of their passage money being paid for them, to serve the person by whom it was advanced, or some one else as his assignee, for a term of years, generally four or five. At the end of that period, the servant became a freeman, and was entitled to receive from his former master fifty acres of land, beside clothing, and tools for farming.

[1] *Johns Hopkins University Studies in Historical and Political Science*, Series I, No. 7, p. 31.

The persons who came out in this manner included all sorts and conditions of men,—mere laborers, who never could be anything else under the most favorable conditions,—and also some men of education and refinement, who found in this arrangement the only way open to them for seeking their fortunes in the new world, and who afterwards attained to places of importance and influence in the Province. Women also came to Maryland in this manner, many of them with a past that were best not enquired into, but others with reputations free from reproach. Among them was a niece of Daniel Defoe, said to have fled from the prospect of a distasteful marriage that had been arranged for her. This explanation on the part of women, for their emigration, was not unusual; but sometimes it was true: and in this case there seems no cause to doubt its truth. She married the son of the farmer to whom she was bound as a servant. The principal incident in Miss Johnston's novel, *To Have and to Hold*, is therefore not without precedent in actual fact.

In a pamphlet entitled *A Character of the Province of Maryland*,[1] published in 1666, the author, George Alsop, who was himself an indented servant in Maryland, gives an account of his experience which would indicate that the lot of persons so placed was not a severe one. The labor exacted was not excessive, the maintenance sufficiently com-

[1] *Md. Hist. Soc., Fund Pub.*, No. 15. (Reprint, 1880.)

fortable, and in winter, when planting operations were interrupted, abundance of leisure for hunting was allowed. It is true the position was still that of a servant, and the bondsman could not go and come as he pleased. In going abroad he was required to have a written pass from his master, and absence without leave was punished by prolongation of the term of servitude.

Before long a less desirable class of labor was introduced into the colony. It was perceived in England that by sending convicts to the colonies and selling them for terms of servitude, in lieu of sentence to jail, the expense of their maintenance would be saved. As a consequence of this policy large numbers of this class were transported to the American colonies during the eighteenth century. One writer, in the Maryland Gazette of July 30th, 1767, puts the number sent to Maryland as high as six hundred a year during the preceding thirty years, which would make a total of eighteen thousand during that period; but these figures are probably exaggerated.[1] The importation of this class was strongly resented in the Province, and efforts were made to restrain it by the impo-

[1] It is not to be supposed that this large number of convicts became absorbed in the population of Maryland. A large proportion of them, when their term of transportation was ended, returned to England; and of those who elected to remain in the new world, many sought homes in other colonies where they would not be known as ex-convicts.

sition of duty and special taxes upon convicts, and in addition, purchasers of convict servants were required to give security for their good behavior;[1] but these efforts to restrict the shipments failed in effect for the reason that the convicts were sent out under authority of Acts of Parliament which the Province was powerless to defeat. It must not be imagined that these persons were the worst of felons. They were mostly convicted for lesser crimes, larceny and forgery being among the worst. In fact, in 1717, after the battle at Preston, a great many prisoners were transported as convicts whose only offence was that they had espoused the forlorn cause of the house of Stuart.[2] Under the sanguinary criminal code of the time, a much larger number of crimes were punishable by death than under present laws, and those convicted of the more heinous crimes were not often transported.[3] It was cheaper to hang them.

It was not until after the beginning of the eighteenth century, when by the treaty of Utrecht the traffic in African slaves passed under English control, that there was any great number of negro slaves in Maryland. But from that time the increase was rapid. The trade was stimulated

[1] *Md. Archives: Proc. of Council*, 1671-1681, p. 136.

[2] Scharf: *History of Md.* Vol. 1, pp. 385-9.

[3] McCormac: *White Servitude in Md. Johns Hopkins University Studies in Historical and Political Science*, Series XXII, Nos. 3, 4, p. 96.

from England, and Lord Baltimore (Charles, fifth Baron,) encouraged it. The effect upon the white servants was damaging. The negroes were slaves for life, and their children after them; while the white servant was a bondsman for but a few years at best, and therefore, as having the less permanent value, received the less consideration. At this period the condition of the indented servant, brought into competition with slave labor, was described as miserable indeed.

In 1708 there was published in London by Ebenezer Cook, a satire in burlesque verse, entitled the *Sot-weed Factor*,[1] giving an account of a visit to Maryland and Annapolis. By sot-weed, tobacco is meant. This writer's report both of the place and of the people is very far from flattering. Upon landing at Pascataway he declares there

> ". . . . . soon repair'd a numerous Crew,
> In Shirts and Drawers of Scotch-cloth Blue.
> With neither Stockings, Hat nor Shooe.
> These Sot-weed Planters Crowd the Shoar,
> In Hue as tawny as a Moor."

According to this traveller, upon crossing to the opposite side of the river, he was soon accosted by a youth driving home some cattle who asks "from whom he'd run away?" To be taken for a runaway servant was more than he could stand with equan-

[1] *Early Maryland Poetry. Md. Hist. Soc., Fund Publication,* No. 36. (Reprint, 1900.)

imity, and he forthwith brandished his sword. But a soft answer turned away wrath, and he was presently conducted to the house of the planter, nearby, where hospitable entertainment was offered, his host considerately refraining from asking whether he came from jail or college, and generously assuring him that he was welcome in either case. Then follows an account of various vicissitudes that befell him during the night, including the invasion of his bedchamber by a wild fox in pursuit of some poultry which had previously been his room mates.

He was next entertained at the house of a man of prominence, and learned that though methods might be primitive, good cheer, and abundance of it, was to be had, and was most liberally dispensed.

Eventually this chronicler arrives at Annapolis which he describes as

> "A City Situate on a Plain,
> Where Scarce a House will keep out Rain;
> The Buildings fram'd with Cyprus rare,
> Resembles much our Southwark Fair:
> But Stranger here will scarcely meet
> With Market-place, Exchange, or Street;
> And if the Truth I may report,
> 'Tis not so large as Tottenham Court."

This account, with all its extravagancies of expression, was written, it is to be observed, but shortly after the seat of government had been removed from St. Mary's to Annapolis. The former is said never to have contained more than sixty houses, and the latter

had scarcely begun to be a town; not many years were to elapse however before a very different report of its appearance and character was to be made by travellers from the old world. Unfavorable as were Mr. Cook's first impressions, he appears afterwards to have become a resident of Annapolis.

Toward the middle of the eighteenth century a marked change was effected in the agricultural, and therefore in the commercial, conditions of Maryland, by the introduction of a new class of settlers. Hitherto the colonists, or inhabitants, with the exception of the negro slaves, had been for the most part of English or Irish descent. But now there began to arrive a few, and soon after, considerable numbers of, Germans from the Rhenish Palatinate, settlers who hence came to be called "Palatines." They were a sturdy, industrious people, and in view of the border disturbances resulting from the boundary disputes, and the exposure of the western portion of the Province to attack in the event of war with the French, Lord Baltimore (Charles, fifth Baron,) offered every encouragement to secure their settlement west of the mountains, upon the fertile lands of what are now Frederick and Washington counties. Special inducements in the way of exemption from quit-rents for a term of years, and other concessions, were made to lead them to settle inland.[1]

1 *Proceedings of the Council;* Liber M, folio 68. *Md. Hist. Soc. Coll.*, portfolio 3, No. 14. *Md. Hist. Soc., Calvert Papers,* No. 2, p. 162.

These Germans soon found that it was not only on the borders of the Rhine, where many a vine-clad hill is crowned with a ruined castle,—witness to the historic struggles between French and Germans for the possession of that river,—that border warfare was to be encountered. They not only bore the brunt of the strife between Baltimore and the Penns about the disputed boundary line, but when, after Braddock's defeat, the Province was exposed to raids by the savage allies of the French, these western settlers were the greatest sufferers. It was not merely as defenders of the frontier that the Germans proved valuable acquisitions to Maryland. In the broad valleys in which they settled, to this day remarkable for productiveness, they quickly cleared away the forest, and introduced the thrifty husbandry of the German fatherland.[1] Maryland, —of which the agriculture had languished under an exclusive culture of tobacco,—now took on a fresh life, as its valleys were converted into teeming fields of wheat, a product which soon became an important item of export from the Province.[2]

Until the settlement of the Palatines in the valley between the Blue Ridge and the Alleghanies, the rivers and the bay had afforded the chief means of communication between the colonists, whether the

[1] Many interesting facts concerning these German immigrants are contained in *First Settlements of Germans in Maryland*, by E. T. Schultz. (Frederick, 1896.)

[2] Mereness: *Maryland as a Proprietary Province*, pp. 123-125.

trips were made for business or for pleasure. Of wagon roads or highways there were practically none. In the absence of cities, or even of any considerable town, what social intercourse there was, consisted chiefly of interchanges of visits between the families of planters; and a liberal hospitality prevailed. The advent of visitors, whose arrival was announced merely by the approach of the skiff or bateau in which they came, to the private landing of the plantation, caused neither surprise nor inconvenience. With abundance of game at command, the larder of the well-to-do planter was always well-stocked. Alsop, already quoted, records that he had seen fourscore venison in the storehouse of his master,—and this for a family of seven persons. The guest was always welcome and provision for his entertainment was ample.

There were, it is true, the rolling roads over which tobacco was brought to the nearest landing, and there were bridle paths in abundance; but with the development of the farmlands beyond the mountains, a train of pack horses walking in single file would no longer serve to convey the country produce to market. The building of roads began, and was rapidly prosecuted; and before long the huge Conestoga wagon, with its team of four, six or eight horses, the housings of their collars surmounted by rows of tinkling bells to give notice of approach through the narrower and mountainous portions of the road, became the familiar vehicle for the convey-

ance to market of the abundant products of the field.

These wagons came in great numbers to Baltimore; for the many abortive attempts of the Assembly to establish a city in the Province, at last found their successful outcome when in 1730 the town of Baltimore was established at the head of tidewater on the Patapsco River. Many cities had been incorporated before that time, several of them with the name of Baltimore: but it was not until this date, that the efforts to found a city destined to become a commercial metropolis, and a port for foreign trade, resulted in achievement.

To this city the produce of the country naturally came for distribution and reshipment: and but a few years ago there remained as vestiges of the old times and methods, a number of inns in this city to which were attached great court-yards with ample stabling for the teams and wagons which a century ago brought to Baltimore a large part of the material for its domestic trade and foreign commerce. These old inns and court-yards are fast disappearing,—probably not more than three or four now remain,—deserted, and gradually falling to decay.

Beside the planters and the farmers, the unsettled state of the border gave rise to another class of colonists, men to whom a life devoted to hunting and adventure proved more attractive than one engaged in the regular industry of agriculture. These were the frontier rangers. The rangers were maintained as a sort of constabulary. They constituted

the warders of the border, and acted as scouts to watch for and report the approach of hostile Indians, to maintain the boundaries claimed by the Proprietary, and incidentally, to take up runaway servants and stray cattle. The mode of life which this occupation involved had its fascinations, and there naturally developed a class of backwoodsmen,—men who lived by the rifle, adopted the wild life and even the dress of the Indians,—whom they often surpassed in keenness of vision, unerring marksmanship and knowledge of woodcraft,—with the accompanying accomplishments of tracking and tracing quarry, whether it were game or foe. These backwoodsmen when they made their rare visits to Annapolis for the purchase of ammunition or other supplies, clad in their hunting costumes of deer skin, with fringed leggings, with faces browned by exposure, and not infrequently decorated with paint, after the fashion in personal adornment which prevailed among the Indians, had their vanity particularly gratified when, as sometimes occurred, they were themselves mistaken for savages.

The lack of towns and marts,—the places where men do congregate,—greatly retarded the growth of any social or political life in Maryland. The social life was that of the home, almost domestic in its character, as friends visited, and were received and entertained by friends, in their widely scattered manor houses. There was no centre of reunion. Political life for the same reason was slow in

developing. In fact, under the Proprietary government during the earlier period, there was small scope for politics. Political strife is apt to be engendered by the burdens of taxation; but these were comparatively light, and mostly indirect. There were the quit-rents reserved upon grants of land, but these were not excessive and were matters of contract. The impost duties incidental to the export of tobacco or other produce were not onerous, although there were disputes as to the proper application of the resulting revenue, whether it belonged to the Province for public purposes, or was merely a source of private income of the Proprietary. Complaints there were in plenty about the fees exacted by, and paid to, public officers, appointees of the Proprietary, but these arose chiefly when it became evident that the holders of public places were becoming rich from the emoluments of their offices. Discontent on account of the tax imposed for the support of the clergy of the Church of England naturally resulted on the part of those who did not belong to that Church, and the scandalous lives of some of the clergy were calculated to aggravate the discontent. Direct taxes, except the poll-tax, were few and rare, until they were imposed for purposes of defence or for meeting the requisitions of the Crown. Then there appeared a disposition to tax everything upon which a tax could be imposed, from carriage-wheels to bachelors.[1] It was

[1] *Proceedings of the Assembly.* L. H. J., July 20, 1754.

not until taxes became burdensome, and at the same time a town with municipal activity had developed at Annapolis, that a definite political life took shape.

Educational opportunities in the Province were few and small. Among a widely scattered population, such as existed in the earlier days of the Province, the establishment of public schools was impossible. Nowhere was there sufficient density of population to provide within a convenient radius the number of pupils necessary for the support of such a school. The various efforts made for the establishment of a college or high school for a long time proved abortive on account of religious differences. It was proposed at one time to form such a school with two head masters—one Protestant and the other Roman Catholic, but such an impracticable plan as that was sufficient to defeat the project. The rivalries between the eastern and western shores also operated to retard the execution of any scheme for higher education. This led to a proposition to establish two schools, one on each shore, the master of one to be a graduate of Oxford, and the master of the other, of Cambridge. But this scheme naturally fell to the ground. The efforts of Governor Francis Nicholson eventually resulted in the establishment of King William School at Annapolis, but it did not greatly flourish. After the Revolution it was merged with St. John's College in that city.

Meanwhile the people of Maryland did not go unlettered. Large numbers of the youth of the colony, the sons of wealthy parents, were sent abroad for their education; the Protestants to the great universities of England, those of Roman Catholic parentage to universities or seminaries upon the continent of Europe. Many others attended William and Mary College in Virginia, and still larger numbers the Academy, in Philadelphia. The educated men for the most part adopted the law as their profession. This fact tended somewhat to promote litigation; but at the same time it supplied a class of men trained to discuss questions of public policy and of constitutional law, and to take their part with credit in the disputes that subsequently arose between the colonies and the mother country. The fame of some of the Maryland lawyers both for learning and ability extended not only to the other colonies, but to England as well. Included among their number were such men as Daniel Dulany, Charles Carroll, William Paca, Samuel Chase, and others of distinguished reputation.[1]

With the increase of wealth, and the growth of Annapolis, a mode of life very different from that which had prevailed at the middle of the seventeenth

[1] An eloquent tribute to the distinguished abilities of Daniel Dulany (the younger), may be found in McMahon's *Historical View of the Government of Maryland*, Vol. I. pp. 354-355, notes 18, 19.

century was developed by the middle of the eighteenth. We hear no more of the dwellings described by Ebenezer Cook,—"where scarce a house will keep out rain." In their place were stately mansions, built of brick, of fine architectural design, with spacious halls and wide extending wings. Many of them stand to-day and give to Annapolis its marked character as a typical colonial town. The Harwood, the Brice, the Carroll, the Paca, and the Chase mansions, the last named originally built by one of the Lloyds, are, among others, noteworthy examples and illustrations of the architecture of that period.

In this town of Annapolis there was not only wealth; there were also culture, and refinement and gaiety, and no little extravagance and dissipation. The favorite pastimes of the young gentry, the gilded youth of the time, were cock-fighting, card-playing, fox-hunting and horse-racing. There were several social clubs, and, for the encouragement of the breeding of race horses, a jockey club was formed. William Eddis, who was surveyor of customs at Annapolis in 1769 and for several years thereafter, wrote entertaining letters describing the social conditions. In one dated Nov. 2d, 1771, he said:—"Our races which are just concluded, continued four days and afforded excellent amusement to those who are attached to the pleasures of the turf; and surprising as it may appear, I assure you that there are few meetings in England better

attended or where more capital horses are exhibited."[1]

The Abbé Robin, a chaplain with the French troops serving in the Revolutionary Army, wrote: "As we advance toward the south we find perceptible differences, both in customs and manners. The houses are no longer placed, as in Connecticut, at the road-side, at short intervals, limited to a space sufficient for the accommodation of a single family, and furnished with the merest necessaries; they are spacious habitations, widely separated, composed of a number of buildings and surrounded by plantations extending farther than the eye can reach, cultivated, not by free labor, but by black men whom European avarice brings hither for gain from the burning countries of Africa. Their furniture is of the most costly wood, and rarest marbles, enriched by skilful and artistic work. Their elegant and light carriages are drawn by finely bred horses, and driven by richly apparelled slaves. We especially observe this opulence in Annapolis. This very small town, situated at the mouth of the river Severn, where it empties into the bay, consists for three-fourths of fine buildings. The luxury of the women here surpasses that in our own provinces; a French hair-dresser is a man of importance; one of these ladies pays a salary of one thousand crowns to her coiffeur. There is already here a theatre, and the State House is of the greatest beauty, handsomer

[1] Eddis, *Letters from America*, p. 106.

than any other in America. The portico is adorned with columns, and the edifice surmounted by a dome." [1]

Eddis, already referred to, wrote in 1770:—"I am persuaded there is not a town in England of the same size as Annapolis which can boast a greater number of fashionable and handsome women, and were I not satisfied to the contrary, I should suppose that the majority of our belles possessed every advantage of a long and familiar intercourse with the manners and habits of London. During the winter, there are assemblies every fortnight; the room for dancing is large; the construction elegant, and the hall illuminated to great advantage. At each extremity are apartments for the card tables." [2] In another letter, dated in December, 1771, he wrote, "The quick importation of fashions from the mother country is really astonishing. I am almost inclined to believe that a new fashion is adopted earlier by the polished and affluent Americans, than by many opulent persons in the great metropolis; nor are opportunities wanting to display superior elegance; we have varied amusements and numerous parties. It is but justice to confess, that the American ladies possess a natural ease and elegance in the whole of their deportment; and that while they assiduously cultivate external accomplishments,

[1] L' Abbé Robin, *Nouveau Voyage dans l'Amérique Septentrionale, etc.*, pp. 103, 104.

[2] Eddis, *Letters from America*, p. 31.

they are still anxiously attentive to the more important embellishments of the mind. In conversation they are generally animated and entertaining, and deliver their sentiments with affability and propriety." [1]

It will be seen from these accounts, that this polished society did not lack for gaiety. There were public balls, both at Annapolis, and at Upper Marlboro,[2] in Prince George's County, whither the guests from Annapolis drove in their coaches. Of these, and of elegant chariots and sedan chairs, there was abundance. Fifty coaches would be drawn up about the race course near Annapolis, at a time when it was said that there were not more than ten or twelve four-wheeled carriages owned in the City of Philadelphia.[3]

At Annapolis, too, was established the first theatre in America. It stood apparently on Church Circle, on land provided by the Vestry of St. Anne's Parish,[4] and was opened in 1752 by a performance given by Hallam and Henry's troupe. This company, which was brought over from England, contained a number of good actors, and presented an excellent selection of tragedies and comedies. It continued to play at Annapolis and Upper Marlboro for more than twenty years, and Miss Hallam, the leading lady of the company, seems, to judge from

[1] *Ibid.*, pp. 112-113.

[2] Scharf: *History of Maryland* Vol. II, p. 86.

[3] *Ibid.*, p. 96.

[4] *Ibid.*, pp. 85, 98.

the odes and verses dedicated to her, and extolling her charms, which appeared in the Maryland Gazette,—to have been much admired by the youth of the period. Maryland was not only the cradle, but it continued for some time to be the nursery of the theatre in America. In McMaster's History, there is an interesting account of the patronage given to the drama in Baltimore, at a time subsequent to the Revolution, when the theatre was discountenanced, if not prohibited, in New York, Philadelphia and Boston.[1] It appears however from an allusion in one of Eddis's letters that there was a theatre in Philadelphia in 1773.[2]

The pictures of life at Annapolis drawn in the pages of a recent work of fiction are evidently not exaggerated; and unhappily, the picture presented in the same book of a certain type of clergyman, is likewise not overdrawn. Mention has been made of the class of men upon whom Frederick, Lord Baltimore, conferred church livings in Maryland. There was no adequate ecclesiastical authority in the Province to maintain and administer discipline; and while there were here and there earnest and devout rectors, who sought to do their whole duty, and deplored the existing evils which they were powerless to correct, they were not conspicuous in number. The notorious Bennett Allen, who is introduced as

[1] McMaster: *History of the People of the United States*, Vol. I, p. 83. [2] Eddis, *Letters from America*, p. 154.

one of the characters in *Richard Carvel,* was inducted, in 1768, in compliance with the insistent demands of Lord Baltimore for his preferment, to the benefice of All Saints' Parish in Frederick County, as successor to the learned and greatly esteemed Reverend Thomas Bacon. This was the richest parish in the Province. Allen had previously struggled hard, in defiance of the law against pluralities, to hold on to both the livings of St. Anne's and St. James' in Anne Arundel County. Upon the occasion of his attempting to take possession of All Saints', some of the congregation, indignant that so disreputable a rector should be forced upon them, attempted to expel him from the church during the progress of divine service: whereupon this minister of the gospel of peace suspended the sacred office long enough to draw a pistol, and placing it to the head of the foremost, declared, with an oath, that he would shoot him.[1] Some years later Allen killed one of the Dulanys in a duel, the latter having challenged him on account of a newspaper article grossly attacking the character of his distinguished brother, Daniel Dulany, to whose enmity Allen blindly attributed the persistent hostility which he encountered in Maryland.[2] Another inducted rector spent the greater part of the twenty years of his incum-

[1] *Md. Archives*: *Corr. of Gov. Sharpe*, Vol. III, p. 502.

[2] *Dictionary of National Biography*. Article, Bennett Allen.

bency in jail. These are examples. There were others, of little, if any, better character.

Several reports sent from the Province to the Bishop of London indicate that with such laxity on the part of the shepherds, many sheep went astray; and that in many places the prevailing standard of morality was not high. It is probable that this charge was in part, at least, justified by the facts.

The brilliant and extravagant society at Annapolis at the middle of the eighteenth century presents a strong contrast to the frontier, or rather pioneer, conditions which existed a century before. The advertisements in the contemporary papers show that there were no fabrics, or articles of luxury, too fine or too costly, to find a market there.

Wealth had increased; but all had not grown rich. As in many such instances, the rich had grown richer and the poor had grown poorer. It is not until after the beginning of the eighteenth century that the necessity for the establishment of county almshouses appears to have arisen. Moreover the rapid acquisition of wealth had chiefly taken place among those who were connected more or less nearly with the family of the Proprietary, or were holders of public offices, paid by fees, which in course of time had become very lucrative to those who received them and correspondingly irritating to those by whom they were paid. It was in contemplation of such wealth, and the display of it, that the lower house of Assembly so bitterly and stubbornly

resisted the imposition of taxes for the support of military operations unless they were accompanied by a diversion to the same purpose of a portion of the Proprietary's revenues, and a reduction of the fees of public officers. The people who paid the taxes resented the prosperity of those that thrived upon them, and this condition was another element contributing to the accumulation of causes of discontent against Proprietary government and Crown alike.

Such was the state of society in Maryland when the curtain at last falls upon the colonial period of her history.

Events had been rapidly shaping themselves for the rupture with England: a convention had been called, a Council of Safety and committees of observation appointed; but the Proprietary government of Maryland came to an end without violence. Certain correspondence between Governor Eden and the British Ministry having been captured by one of the vessels cruising under authority of the Continental Congress, that body directed Governor Eden's arrest. The Maryland Convention replied that the matter belonged to their own jurisdiction, and instead of arresting the Governor, notified him that he was at liberty to leave the Province with all his personal effects. A remonstrance from Virginia upon this course was sharply rebuked.

It is to be noted as indicative of the deliberate

and moderate action in Maryland, that when at last, an Act was passed to confiscate the property of absentee sympathizers with the royal cause, an exception was made in favor of Horatio Sharpe, the former Governor. He was allowed two years' time in which, either to sell his property, or become a citizen of Maryland and retain it.

On June 26th, 1776, Governor Eden sailed, unmolested, on a British ship, the Fowey, which came to Annapolis under flag of truce to take the Governor on board;[1] and with his departure the last semblance even of the Proprietary government vanished.

On July 3rd, 1776, one day before the adoption by the Continental Congress of the Declaration of the Independence of the United States, the delegates assembled in the Maryland Convention adopted their own declaration, in which, after reciting the encroachments upon the liberties of the people made by both King and Parliament, they announced their determination "to join with a majority of the united colonies in declaring them free and independent states."

This act marked the close of the colonial period and of the old régime.

The dawn of a new era began.

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1 Steiner: *Life and Administration of Sir Robert Eden; Johns Hopkins University Studies in Hist. and Polit. Science,* Series XVI. Nos. 7, 8, 9, pp. 130-138.

Md. Archives: Corr. of the Council of Safety, 1775-1776, pp. 511-521.

INDEX.

Act concerning Religion, see *Religious Toleration;* Puritan legislation concerning religion in 1654, 93.

Allen, Reverend Bennett, his disreputable character, 205; violence attending his induction to All Saints' Parish, 206; kills the brother of Daniel Dulany in a duel, 206.

Alsop, George, account of conditions in Maryland, 188, 195.

Altham, Father John, Jesuit priest and missionary, 45.

Andros, Sir Edmund, assumes governorship but retires, 132.

Annapolis, made seat of government in 1694, 131; change in character of buildings, 200; introduction of beauty in architecture, 201; gaiety of the social life, 201; wealth and extravagance, 207.

Ark, the, and the Dove, at Newfoundland, 16; departure from Isle of Wight with the Maryland colonists, 36; arrival in the Potomac, 42, 174.

Arundel, Lady Anne, wife of Cecilius, Lord Baltimore, 28.

Arundel of Wardour, Lord, father of Lady Anne Arundel, wife of Cecilius, Lord Baltimore, 25.

Assembly of Maryland, dispute with proprietary as to initiative, 49; attitude in respect to laws submitted by the proprietary, 70, 72; attempts to deprive Lord Baltimore of his revenues from duties and tonnage, 130; reply of lower house to petition from St. Mary's, 132; changes in character during period of royal governors, 135; failure of the council in 1701 to substantiate charges made in 1689 against proprietary government, 136; resistance to demands of Crown for troops and money, 160; three companies furnished for expedition against Cartagena, 161; refusal to maintain troops after they had passed into service of the Crown, 161; reasons for refusing appropriations for expeditions against the French, 164.

Associators, insurgents assumed government, 123; invoked royal intervention, 124.

Avalon, Colony at, character of its charter, 14; disappointing results, 17.

Bacon's rebellion in Virginia, causes of, 105.

Baltimore, Baron of, title created, 2, 14.

Baltimore Town, its successful founding, 196; early became a mart of trade, 196.

Bancroft, George, tributes to Maryland legislation upon religion, 86-87.

Bennett, Richard, one of the commissioners for the reduction of the plantations within the Bay of Chesapeake, 57.

Blackistone, Nathaniel, royal governor, 1698, 134; requested to act as agent for the Assembly in England, 134.

Boundary disputes; conflict of boundaries between Maryland and Pennsylvania as defined, 112; astronomical observations as to location of boundary, 113; disputes revived after restoration of proprietary authority, 147; points in controversy, 148, 152; violence along the border, 150; extraordinary agreement, 152; Maryland's loss of territory, 155; agreement repudiated by Lord Baltimore, 157; Penns institute chancery proceedings, 157; final decision in 1750; argument of the Chancellor, 158.

Bray, Reverend Thomas, Commissary of the Bishop of London, 96.
Brent, Mistress Margaret, claims seat in Assembly, 53.
Browning, Mrs. Louisa, sister of Frederick, Lord Baltimore, 142, 169; institutes proceedings in chancery to assert her title to Maryland, 169; when case comes on for hearing, the Lord Chancellor refuses to proceed on account of existence of Revolutionary War, 170.
Buckingham, Duke of, not favorable to Calvert as Secretary, 8; visit to Madrid, 13; his policy, 15; his death, 16.
Calvert, Benedict Leonard, fourth Lord Baltimore, announces adherence to the Church of England, 138; applies to Queen for pension, 139; secures appointment of John Hart as governor, 139; death, 139; titular governor in 1684 when but five years old, 118, 139; married Lady Charlotte Lee, 1699, 140; divorced, 1705, 140; member of Parliament, 140; summary of character, 171.
Calvert, Cecilius, second Lord Baltimore, grantee of charter of Maryland, 21, 29; date of birth and entry at Oxford, 28; date of marriage to Lady Anne Arundel, 29; expedition for settlement of Maryland, 35; Claiborne's hostility, 36; departure of the Ark and the Dove, 36-37; letter of instructions to the colonists, 38; letter in respect to claims of Jesuit missionaries, 47; review of life and character, 61; testimony of historians as to his character, 64, 87; draft of laws proposed to Assembly, 70; attitude of Assembly, 72; entitled to credit for establishment of religious toleration, 83; his motives in so doing, 87; summary of character, 171.
Calvert, Charles, third Lord Baltimore, appointed governor, 60; statement of the motives of his father, Cecilius, in establishing religious liberty, 87; accession to title, 1675, 99; outlawed upon charge of high treason in Ireland, 100; King's warrant for reversal of outlawry, 101; visits England in 1676, 102; returns to England in 1684, 117; lives in retirement, 125; review of character, 125; married Jane, widow of Henry Sewall, 128; married four times, 128; death, 128, 138; his right to the revenues recognized and confirmed by the Crown, 130; withdraws son's allowance, 138; summary of character, 171.
Calvert, Charles, fifth Lord Baltimore, succeeds to title, 140; proprietary government restored to him, 140; married Mary, daughter of Sir Theodore Janssen, 142; divorced, 142; visit to Frederick, Crown Prince of Prussia, 142; association with Frederick Lewis, Prince of Wales, 144; held various offices from him, 144; member of Parliament, 144; Fellow of the Royal Society, 144; Lord of the Admiralty, 144; makes extraordinary agreement with the younger Penns, 152; after visit to Maryland repudiates agreement, 157; Penns institute chancery proceedings, 157; final decision in 1750; reasoning of the Chancellor, 158; summary of character, 172
Calvert Coat of Arms, exemplification issued by Richard St George, Norroy King of Arms, 3.
Calvert, Frederick, sixth Lord Baltimore, succeeds to title, 158; birth, guardians, 162; travels and ventures in literature and science, 162; comments of Laurence Sterne upon his character, 163; marriage, 163; separation from his wife, 164; death of Lady Baltimore, 164; selfishness of his policy toward Maryland, 166; patron of disreputable clergymen, 167; tried at Kingston upon charge of felony, 167; acquitted on account of inconsistency in testimony, 168; but convicted by public opinion, 168; death, 168; contempt for him shown at his funeral, 168; devises Maryland to his natural son, Henry Harford, to the exclusion of his sister, Mrs. Louisa

Browning, 169; summary of character, 172.
Calvert, George, first Lord Baltimore, place and date of nativity, 3; origin of ancestors, 4; entered Oxford, 4; member of Parliament, 5; marriage, 5; clerk to the Privy Council, 5; knighted, 7; one of the two principal Secretaries of State, 7; his apparent sincerity in advocating the Spanish match, 11; conversion to Roman Catholic Church and resignation as Secretary of State, 13; interest in American colonization, 14; venture in Newfoundland, 14; Lady Baltimore, his second wife, 15; naval battle with French cruisers, 16; disappointing conditions at Avalon, 17; application for grant of country to the south, 18; dissuaded by the King, Charles I., 18; visit to Jamestown, and reception there, 19; charter for Maryland promised, 21; death, and review of character, 22; letter of sympathy to Wentworth, 25; summary of character, 171.
Calvert, John, Lord Baltimore, shown to be mythical, 99.
Calvert, Leonard, father of George Calvert, 3.
Calvert, Leonard, son of George, Lord Baltimore, returns to England with prizes captured in Newfoundland, 16; appointed governor of Maryland, 38; suppressed Ingle's rebellion, 53; death, 53.
Calvert, Philip, brother of Cecilius, Lord Baltimore, appointed governor, and afterwards secretary, 60.
Carlyle, Thomas. *History of Frederick the Great;* mention of Charles, fifth Lord Baltimore, 143.
Cartagena, expedition against. See *Assembly of Maryland.*
Cecil, Sir Robert, patron of George Calvert, 5.
Charles I., King of England, discourages George, Lord Baltimore, from plans of colonization, 18; grants charter of Maryland, 29.
Charles II., King of England, tribute of Indian arrows delivered to him in person, 1661, 64; effect of his foreign policy, 107.
Charter of Maryland, synopsis of its provisions, 30; comments upon its scope and character, 32.
Church of England, established by law, 1692, 95, 129; clergy supported by taxation, 95, 129; act amended, 1695, 1696, 1702, 96; character of the clergy, 97, 205.
Claiborne, William, contest about possession of Kent Island, 43; attainted of treason, 45; stirs up sedition at Kent Island, 51; changes his political creed, 56; secures appointment as commissioner for the reduction of the plantations within the Bay of Chesapeake, 57.
Clergy of the Church of England, scandalous character of some of those sent to Maryland, 205.
Cloberry & Co., Claiborne's principals in London, 44.
Coinage, attempt of Cecilius, Lord Baltimore, to supply the lack of current money, 178.
Collectors of Royal Customs, disputes with, 118.
Complaint from Heaven, with a Hue and Cry, and a petition out of Virginia and Maryland, quotations from, 107.
Conestoga wagons, the usual vehicle for transportation, 195; old inns, and court-yards built for their accommodation, now disappearing, 196.
Convicts, transported from England to America, 126, 189.
Convict labor, policy of England in sending convicts to the colonies, 189; opposition on the part of provincial government, 190.
Coode, John, character, 122; leader of insurrection, 123; denied seat in Legislature, 132; flees to Virginia under indictment, 133.
Cook, Ebenezer, author of *Sot-weed Factor,* 191, 193.
Copley, Sir Lionel, royal governor, 124; his administration, 129; death, 132.
Copley, Thomas, Jesuit missionary, 45; letter to Cecilius, Lord Baltimore, 46, 50.
Cornwaleys, Thomas, commissioner for government of Province, 38; commander of vessel sent

against Claiborne, 43; assists Richard Ingle in escaping from arrest, 51; departs with him for England, 51.
Cotton, John, views as to religious toleration, 80.
Counties Palatine, on the continent of Europe, 32; policy of William the Conquerer in relation thereto, 33; palatinate authority of the Bishop of Durham, the measure of that of the Lords Proprietory of Maryland, 30, 34.
Courts Baron, authorized by charter, 184; ancient origin, 185; proceedings of Court at St. Gabriel's Manor, 186; proceedings of Court at St. Clement's Manor, 187.
Courts Leet, origin and jurisdiction, 185; record of proceedings at St. Clement's Manor, 187.
Cresap, Thomas, stout borderer, 150; taken prisoner to Philadelphia, 151.
Crossland, Alicia, mother of George Calvert, first Lord Baltimore, 3.
Currency, first issue of paper money in the Province, 179; *See Coinage* and *Tobacco*.

Davis, William and Pate, John, leaders of insurrection, 110; hanged, 111.
Dove, the (pinnace). See *Ark and Dove*.

Eddis, William, surveyor of customs at Annapolis, 201; letters from America, 201; describes gaiety of Annapolis society, 203.
Eden, Robert, married Caroline, younger sister of Frederick, Lord Baltimore, 169; appointed governor of Maryland, 169; retires from Province, 170; departure for England, 209.
Education, conditions during earlier period, 199; efforts to establish a high school and their failure, 199; King William School, 199; Maryland youth educated at European universities, and in neighboring colonies, 209.
Egerton, Lady Diana, daughter of the Duke of Bridgewater, 163; married to Frederick, Lord Baltimore, 163; separated from her husband, 164; death, 164;
Evelyn, George, attorney for Cloberry & Co., supersedes Claiborne, as their agent, 44; Commander of Kent Island, 44.

Fendall, Josias, appointed governor and proves a traitor, 59.
Fraudulent Map, with Cape Henlopen falsely located, 153.
Frederick, Crown Prince of Prussia, estimate of Charles, fifth Lord Baltimore, 142, 143.
Frederick, the Elector Palatine, accepts crown of Bohemia, and risks his hereditary domain, 12.
Frederick Lewis, Prince of Wales, friend and patron of Charles, fifth Lord Baltimore, 144.
Fuller, William, Puritan settler at Providence, 57; one of the Council of Government under commission of Parliament, 57; treacherously kills prisoners of war, 58.

General Assembly. See *Assembly of Maryland*.
German settlers established west of the Blue Ridge Mountains, 193; encountered border warfare, 193; introduced new system of agriculture, 194; established roads and highways, 195.
Gladstone, William E., views expressed as to toleration in Maryland, 82, 83, 84.
Gondomar, Count, Spanish Ambassador, 9; accused of bribing Sir George Calvert, 9, 10; his skill and influence, 11; said to have converted Calvert to the Roman Catholic faith, 23.
Goodman, Godfrey, Bishop of Gloucester, reference to his *History of the Court of King James I.*, 23, 29.
Great Seal of Maryland, 141.
Greene, Thomas, governor, 53; proclaims Charles II., King, and is removed from office, 56.

Harford, Henry, natural son of Frederick, Lord Baltimore, 169; devisee of the Province of Maryland, 169; proclaimed proprietary, 169.

Hart, John, royal governor, 1714, 135; recommissioned governor for the proprietary, 1715, 141.
Hatton, Thomas, secretary of the Province; accepts office under the commissioners of Parliament, 57.
Hawley, Thomas, commissioner for government of Province, 38.
Herrman's map, made in 1670, published in 1673, 154.
Hervey, Lord, estimate of Charles, fifth Lord Baltimore, 143.
Holt, Lord Chief Justice, remarkable opinion rendered by, 124, 129.

Indented servants, 126; terms of contract, 187; condition of such servants in 17th century, 188.
Indians, friendly negotiations with Pascataways, 42; outbreak of northern Indians in 1676, 102.
Indian Arrows, yearly tribute for the Maryland Province, 32; receipts for their delivery at Windsor Castle, 63.
Ingle, Richard, arrested at St. Mary's and escapes, 51; invasion and rebellion, 52.
Insurrection in Maryland, led by Davis and Pate, 110.

James I., King of England, favorable to George Calvert, 6; capricious character, 8.
James II., King of England, as Duke of York gives William Penn deed for Delaware, 117, 148; *Quo warranto* proceedings instituted to annul charter of Maryland, 117; defeated by downfall of James, 118.
Janssen, Mary, daughter of Sir Theodore Janssen, 142; married to Charles, fifth Lord Baltimore, 142; divorced, 142.
Jesuits, controversies with Cecilius, Lord Baltimore, 45; claim as to supremacy of canon law, 46; refusal to take part in legislation, 51.
Johnson, Gen'l Bradley T., opinion as to origin of act concerning religion, 85.

Kent Island, inhabitants dependent upon supplies from without, 43; trading post established there prior to the settlement of Maryland, 174.
Lake, Sir Thomas, George Calvert's predecessor as one of the principal Secretaries of State, 7.
Landing of Colonists, 42, 174; nature of country, 175; modes of communication, 175; abundance of game, 176.
Lee, Lady Charlotte, wife of Benedict Leonard, Lord Baltimore, 140; divorced, 140; daughter of Earl of Litchfield, 140; granddaughter of Charles II. and Barbara Palmer, Duchess of Cleveland, 140.
Lloyd, Edward, President of the Council and acting governor, 1709, 135.

McMahon, John V. L., opinion of the Maryland charter, 29.
Markham, William, Penn's deputy, 112; avoids determination of boundary, 114.
Mason and Dixon, final survey of boundary between Maryland and Pennsylvania, 159.
Mathew, Sir Toby, schoolmate of George, Lord Baltimore, became a Jesuit, 24.
More, Father Henry, Provincial of Jesuit Society in England; influence in settling disputes between Lord Baltimore and the missionaries, 48; adviser of Cecilius, Lord Baltimore, 84.
More, Sir Thomas, views upon religious liberty, expressed in *Utopia*, 85.
Morton, Sir Albert, successor of George Calvert as principal Secretary of State, 13.
Mynne, Anne, daughter of John Mynne, married George Calvert, first Lord Baltimore, 5; death, 15.

Naunton, Sir Robert, George Calvert's colleague as principal Secretary of State, 7.
Nicholson, Francis, royal governor, 1693, 132; character, 133; interest in education, 133, 134.
Notley, Thomas, deputy governor, 102, 110.

Palatines. See *German settlers.*
Pate, John. See *Davis and Pate.*

Penn, William, grant of Pennsylvania, 111; conflict of boundaries, 112; correspondence with Lord Baltimore, 112; correspondence with Maryland settlers, 112; astronomical observations as to boundary, 113; eagerness for outlet on the Chesapeake, 115; extraordinary proposals made to Lord Baltimore, 115-116; acquires deed to Delaware, 117; procures institution of *Quo warranto* proceedings to annul the Maryland charter, 117; efforts defeated by downfall of James II., 118.

Political changes; result of a quarter of a century of the suspension of the proprietary authority, 145; privileges guaranteed in charter, 145; effect of constitutional changes in England seen in new light, 146; disposition to extend operation of English law to Maryland, 147;

Political life; growth retarded by absence of towns, 197; developed by increase in taxation, 198; and the rise of a municipal organization, 199.

Puritans, in Virginia, 54-55; settlement in Maryland, 55; dissatisfied with religious liberty, 56.

Quakers, restrictive orders concerning, 91.

Rangers, maintained as constabulary, 196; emulated savages in costume and appearance, 197.

Rapin de Thoyras, reference to his History of England, 10.

Redemptioners. See *Indented servants.*

Religious Toleration, policy of Cecilius, Lord Baltimore, 66; proclamation on the subject, 67; punishment for violations, 67; oath prescribed for Governor Stone, 69; act concerning religion, 1649, 71; its principal features, 74; its probable authorship, 78; approved by Lord Baltimore as amended, 79; comparison with contemporary practice, 79; policy in Massachusetts, 80; policy in Virginia, 81; order in respect to Summer Islands, 82; ordinance of 1647, 82; restrictions during sway of royal governors, 97.

Restriction of suffrage, 106.

Revolution, The American, preparation for rupture with England and for war, 208; deliberate and moderate action in Maryland, 208; close of colonial period, 209.

Revolution of 1689. See *Associators.*

Robin, L'Abbé, chaplain with French troops in the revolutionary army, 202; description of Annapolis, 202.

Roman Catholics, prohibited from voting by commissioners of parliament, 58; restrictions upon, 97; rumors as to conspiracy, 122.

Rolling roads, their origin and use, 181.

Rousby, Christopher, collector of customs, killed by George Talbot, 119.

St. Claude, (ship), loaned to George, Lord Baltimore, 17, 20.

St. Mary's, City of, petition against removal of seat of government, 131.

Sewall, Jane, widow of Henry Sewall, daughter of Vincent Lowe, married Charles, third Lord Baltimore, 128.

Seymour, John, royal governor, 1704, 134; his address to Roman Catholic priests brought before him, 134; attempts to grant charter to Annapolis, 134; finally secures one from the Assembly, 135; death, 135.

Slaves,—African, importation of African slaves to the American colonies insignificant until after treaty of Utrecht, 190; effect upon white labor, 191.

Smith, Thomas, commander under Claiborne, arrested, 43; condemned to death for piracy, 45.

Sot-weed Factor, (in verse), description of social conditions, 191; description of Annapolis, 192.

Spanish Match, negotiations concerning, 9; Calvert's advocacy 9; termination of negotiations, 13.

Stone, William, first Protestant governor of Maryland, 54; oath

of office required of him, 54; accepts office from the commissioners of Parliament, 57; reasserts authority of the proprietary, 58; defeated by Fuller and cast into prison, 58.

Talbot, George, president of board of deputy governors, 118; kills Christopher Rousby, a collector of royal revenues, 119; delivered to Virginia authorities, 119; remanded to England for trial, 120; escapes from jail, 120; condemned to death at Jamestown, 120; pardoned, 120.

Tench, Thomas, President of the council, and acting governor, 1701, 134.

Theatre, first in America established at Annapolis, 204; patronage of the drama in Maryland, 205.

Tilliéres, French Ambassador, tribute to George Calvert's integrity of character, 10.

Tobacco, early became a staple product, 177; its use as currency, 177; overproduction, 177, 180; lack of ports for shipment, 181; method of rolling hogsheads to landings, 181; efforts to restrain production, 182; opposition to restriction, 182; contention on account of fees of public officers, 183; compromise effected, 183.

Truman, Major Thomas, treacherously kills Indian envoys, 103; impeached by the Assembly, 103; but escapes punishment by that body, 104; punished by Lord Baltimore, 104, note.

Utopia, described as a place of religious liberty, 85.

View of Frank Pledge, probable origin of term, 185.

Vital statistics, comparison of the duration of life of the several Lords Baltimore, 173.

Walpole, Horace, estimate of Charles, fifth Lord Baltimore, 143.

Wentworth, Lord, letter from George, Lord Baltimore, to, 25.

Wharton, Jesse, deputy governor, 102.

White, Father Andrew, Jesuit priest and missionary, 45; account of voyage to Maryland, 42, 175.

William and Mary, accession to the throne, 120; proclamation in Maryland delayed, 120; royal governor appointed, 124; recognition of, in Maryland, 129.

Winthrop, John, views as to religious toleration, 80.

Women, immigrants to America, causes assigned for leaving England, 188; their fate not always adverse, 188.